

DOCUMENT RESUME

ED 338 291

JC 910 509

AUTHOR Harley, Roxanne; McCabe, Mark
TITLE Pima Community College Counselor's Handbook.
Revised.
INSTITUTION Pima Community Coll., Tucson, Ariz.
PUB DATE Jul 90
NOTE 108p.; Part IX contains seven pages that are
partially illegible.
PUB TYPE Guides - Non-Classroom Use (055)
EDRS PRICE MF01/PC05 Plus Postage.
DESCRIPTORS *Codes of Ethics; Community Colleges; *Counseling;
Counseling Services; *Counseling Techniques;
*Counseling Theories; *Counselor Client Relationship;
Counselor Role; Guides; *School Counselors; School
Policy; Student Attitudes; Student Behavior; Two Year
Colleges
IDENTIFIERS Pima Community College AZ

ABSTRACT

Developed for counselors at Pima Community College (PCC), this 10-part handbook provides information on counselor responsibilities, ethics, recordkeeping, assisting students in distress, and diagnostic and referral procedures. Part I reviews the philosophy, general parameters, terminology, and goals of counseling, and discusses selected statements of the Ethical Standards of the American Association for Counseling and Development. Part II reviews issues and concepts relating to confidentiality, including sharing information externally and internally, imminent danger to human life, working with minors, privileged communication, subpoenas, and child abuse and required action. Part III discusses aspects of recordkeeping and provides samples of various forms. Part IV examines the student code of conduct and the scholastic ethics code, and discusses the use of the consulting and the counseling functions in therapy. Part V discusses procedures for counseling students who have sexual harassment and/or discrimination complaints. Section VI discusses the relationship of the counselor with the campus police while part VII reviews referral procedures and community resources. Part VIII presents detailed information on counselor assistance to students in crisis and students in distress, examining issues of disruptive behavior; depression; suicide risk, assessment, and intervention; psychotic behavior; drugs and alcohol; and homicidal clients. Part IX presents supplemental information including charts on sexual harassment and the stages of suicide, while part X provides references and a memorandum from PCC's attorney on the legal aspects of confidentiality. (PAA)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

ED338291

P I M A C O M M U N I T Y C O L L E G E
C O U N S E L O R ' S H A N D B O O K

DEVELOPED BY
ROXANNE HARLEY M ED.

AND

MARK MCCABE M ED.

PERMISSION TO REPRODUCE THIS
MATERIAL HAS BEEN GRANTED BY

R. Harley;

M. McCabe

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☐ This document has been reproduced as
received from the person or organization
originating it.

☒ Minor changes have been made to improve
reproduction quality.

• Points of view or opinions stated in this docu-
ment do not necessarily represent official
OERI position or policy.

REVISED
JULY 1990

2 BEST COPY AVAILABLE

JC 9/10 509

CONTENTS

PART I	COUNSELING ORIENTATION	1
A.	PHILOSOPHY	1
B.	GENERAL PARAMETERS	1
C.	DEFINITION	3
D.	GOALS	3
E.	SELECTED STATEMENTS FROM THE ETHICAL STANDARDS OF THE AMERICAN ASSOCIATION FOR COUNSELING AND DEVELOPMENT	4
	1. Ethical Standards for PCC Counselors	6
	2. Relationships, Standards and Responsi- bilities	7
	3. Counseling Relationship	8
	4. Measurement and Evaluation	10
	5. Consulting	12
	6. Personnel Administration	12
PART II	CONFIDENTIALITY	14
A.	ETHICS OF CONFIDENTIALITY	14
	1. Sharing Information Externally	14
	2. Sharing Information Internally	15
	3. Imminent Danger to Human Life	16
B.	CONFIDENTIALITY AND LEGAL IMPLICATIONS	17
	1. Minors	17
	2. Privileged Communication	17
	3. Subpoena	18
C.	CHILD ABUSE AND REQUIRED ACTION	18
PART III	RECORDKEEPING	22
A.	Reasons for Keeping Records	22
B.	Characteristics of Adequate Records	23
C.	When to Document	24
D.	Where to Document	25
E.	Counselor Record Form	26
F.	Proposed Consent for Release of Information Form	27
PART IV	THE COUNSELOR AND THE STUDENT CODE OF CONDUCT/ SCHOLASTIC ETHICS CODE	28
A.	CONSULTING FUNCTION	28
B.	COUNSELING FUNCTION	29
C.	UTILIZING THE TWO FUNCTIONS	29

**PART V THE COUNSELOR AND SEXUAL HARASSMENT/
DISCRIMINATION COMPLAINTS 31**

- A. PROCEDURES 31
- B. POINTS TO REMEMBER 32

PART VI THE COUNSELOR AND THE CAMPUS POLICE 33

**PART VII REFERRING THE STUDENT TO COMMUNITY
RESOURCES 35**

- A. REFERRAL PROCESS 35
- B. SOURCES FOR REFERRAL 36

**PART VIII COUNSELOR ASSISTANCE TO STUDENTS IN DISTRESS
AND STUDENTS IN CRISIS 37**

- A. STUDENTS IN DISTRESS 37
 - 1. Guidelines for Intervention 38
- B. STUDENTS IN CRISIS 40
 - 1. Crisis Outside Counseling Office 40
 - 2. Crisis Inside Counseling Office 41
 - 3. Disruptive Behavior 41
 - 4. Depression 45
 - a. Notes from Dr. Maxine Ijams 45
 - b. Notes from Dr. Hal Arkowitz 47
 - 5. Suicide Intervention Process 49
 - 6. Suicide Risk Assessment 50
 - 7. Psychotic Behavior 52
 - 8. Common Psychotic Classifications/
Interventions 54
 - 9. Under the Influence of Drugs and Alcohol 61
 - 10. Homicidal Client 62

PART IX SUPPLEMENTAL INFORMATION

- A. Epilepsy
- B. Employee Assistance Program (EAP)
- C. Kino Hospital MAC Team
- D. Elements of Sexual Harassment
- E. Help-on-Call - Stages of Suicide

PART I APPENDIX

- A. ETHICAL STANDARDS OF THE AMERICAN
 ASSOCIATION FOR COUNSELING AND
 DEVELOPMENT Appendix A Not Included
 in copy received by ERIC.
- B. MEMORANDUM PCC ATTORNEY ON COUNSELORS
 AND THE LEGAL ASPECTS OF CONFIDENTIALITY
- C. REFERENCES
- D. PCC STUDENT CODE OF CONDUCT

PART I COUNSELING ORIENTATION

A. PHILOSOPHY

Counseling services are a fundamental and integral part of the total educational process at Pima Community College. Recognizing each student is unique, counselors believe their primary responsibility is the student. Counselors are motivated by the belief that students can grow, achieve and become all they are capable of becoming. As members of the educational community, counselors share the responsibility for assisting students in their pursuit of personal, educational and career goals, as well as developing life skill needs.

B. GENERAL PARAMETERS

For the purposes of this document, counseling is defined according to one delivery mode of counseling.... one-to-one counseling. (To understand the full range of services provided by counselors at Pima Community College one should refer to the counselor job descriptions.) In reviewing the literature what becomes apparent is the difficulty of finding one statement that will adequately define a profession as diverse as counseling. As stated by Donald Blocher (the professional counselor, 1987) "clearcut and incisive definitions that can sharply differentiate counseling and psychotherapy are virtually impossible to defend." At Pima Community College, one unifying idea is important--counseling

takes place within a community college setting and therefore has a diversity in service and personnel that set it apart from psychotherapy and other mental health professions. The following statements serve as general parameters for counselors in the one-to-one counseling process:

1. One-to-one counseling at Pima Community College is short-term, defined by some community colleges and health maintenance organizations as six or less counseling sessions.
2. Each counselor seeks to be sensitive to the various developmental patterns within a multicultural student body.
3. Each counselor approaches one-to one counseling with his/her own methodology and technique. This diverse approach to counseling at the college is a strength allowing the student a choice among counselors.
4. The individual counselor determines through his/her professional judgement the appropriateness of when to work with a particular student and when to refer the student.

C. DEFINITION

One-to-one counseling stresses rational planning, problem-solving, and decision-making. The underlying purpose is to facilitate development and is focused on helping people with problems and concerns arising from everyday life. In general, counseling offers assistance with problems and difficulties before they reach proportions that may trigger complete breakdowns in functions. (Blocher, 1987 Pg. 8)

D. GOALS

1. To assist students with their individual growth through the identification of, examination of strategies for, and commitment to desired life changes.
2. To provide an opportunity for students to develop self-awareness and self-acceptance.
3. To help students increase in self-understanding and to focus their energies toward educational, career, and personal development appropriate to their needs and potentials.
4. To increase students' awareness of the choices available to them and foster the development of self-direction and responsibility in the decision-making process.

5. To encourage individuality and creativity in approaches to life experiences.
6. To encourage in students an awareness of the total society and to assist them in developing the attitudes, knowledge, and skills which will enable them to deal effectively with the challenges and demands of difficult situations.

E. SELECTED STATEMENTS FROM THE ETHICAL STANDARDS

OF THE AMERICAN ASSOCIATION FOR COUNSELING AND DEVELOPMENT

The effectiveness and future development of the counseling profession is directly related to its ability to establish and maintain the public trust and credibility through the following three sets of beliefs: (Blocher 87)

- Perception of Competence - The public sees this competence as arising out of specialized education, the high levels of competence and achievement required to complete that education, and the counselor's diverse experiences.
- Perception of Self and Public Regulation - The public expects that counselors regulate themselves and are further regulated by society in the public interest. These regulations are the principles and standards that govern counselors' behavior.

- Perception of Public Service - The public believes that counselors are genuinely motivated to serve the people with whom they work.

In order to establish guidelines for nurturing the public trust, the American Association for Counseling and Development has established a list of ethical standards. These standards are designed to:

- foster an awareness of professional conduct
- serve as a guide for counselors to utilize in implementing and evaluating their activities.

Although these can apply to all counselors, certain standards relevant to Pima Community College Counselors have been highlighted and paraphrased according to the following criteria:

- the frequency (one or more times) of the standard occurring in any given work week,
- the standard's compatibility to the stated definition, philosophy and goals of counseling;

Statements were paraphrased when the wording needed to be applicable to Pima Community College counselors or policies.

1. Ethical Standards for Pima Community College Counselors
Pima Community College counselors are dedicated to enhancing the worth, dignity, potential, and uniqueness of each individual and thus to the serving society.

College counselors recognize that the role definitions and work settings of counselors include a wide variety of academic disciplines, levels of academic preparation and agency services. This diversity reflects the breadth of the counselors' interest and influence. It also poses challenging complexities in efforts to set standards for the performance of counselors, desired requisite preparation or practice, and supporting social, legal, and ethical controls.

The specification of ethical standards enables counselors to clarify to present and future counselors and to those served by counselors, the desired requisite preparation or practice, and supporting social, legal, and ethical controls.

The existence of such standards serves to stimulate greater concern by counselors for their professional behavior and the conduct of fellow professionals, such as guidance and student personnel workers, and others in the helping professions.

As the ethical code of the college counselors, this document establishes principles that define the ethical behavior of faculty members.

2. Relationships, Standards, and Responsibilities

- a. The counselor has a responsibility both to the individual who is served and to the institution within which the service is performed to maintain high standards of professional conduct. The counselor strives to maintain the highest levels of professional services offered to the individuals to be served. The counselor also strives to assist the agency, organization, or institution in providing the highest caliber of professional services. The acceptance of employment in the college implies that the counselor is in agreement with the general policies and principles of the college. Therefore, the professional activities of the counselor are in accord with the objectives of the college. If, despite concerted efforts, the counselor cannot reach agreement with the college as to acceptable standards of conduct that allow for changes in college policy conducive to the positive growth and development of clients, then terminating the affiliation should be seriously considered.

- b. In the counseling relationship the counselor is aware of the intimacy of the relationship, maintains respect for the client, and avoids engaging in activities that seek to meet the counselor's personal needs at the expense of the client.
- c. Through awareness of the negative impact of racial, socio-economic and sexual stereotyping and discrimination, the counselor guards the individual rights and personal dignity of the client in the counseling relationship.

3. Counseling Relationship

This section refers to practices and procedures of individual and/or group counseling relationships.

The counselor must recognize the need for client freedom of choice. Under those circumstances where this is not possible, the counselor must apprise clients of restrictions that may limit their freedom of choice.

- a. The counseling relationship and resulting information must be kept confidential, consistent with the obligations of the counselor as a professional. In a group counseling setting, the counselor must set a norm of confidentiality regarding all group participants' disclosures.

- b. If an individual is already in a counseling relationship with another professional, it is appropriate for the counselor to clarify his/her role with the client. With the client's permission, the counselor may contact the other professional in order to clarify the counselor's role.
- c. When the client's condition indicates a clear and imminent danger to the client or others, the counselor must take reasonable personal action or inform responsible authorities. Consultation with other professionals must be used where possible. The assumption of responsibility for the client's behavior must be taken only after careful deliberation. The client must be involved in the resumption of responsibility as quickly as possible.
- d. Records of the counseling relationship, including interview notes, test data, correspondence, tape recordings, and other documents, are considered professional information for use in counseling and are part of the records of the college as specified by state statute A.R.S. 32-2085.

- e. The counselor should inform the client of the purposes, goals, techniques, rules of procedure and limitations affecting the relationship at or before the time the counseling relationship is entered.
- f. If the counselor determines s/he is unable to be of professional assistance to the client, the counselor must either avoid initiating the counseling relationship or immediately terminate that relationship. In either event, the counselor must suggest appropriate alternatives. (The counselor must be acknowledgeable about referral resources so a satisfactory referral can be initiated). In the event the client declines the suggested referral, the counselor is not obligated to continue the relationship.

4. Measurement and Evaluation

The primary purpose of educational and psychological testing is to provide objective descriptive measures interpretable in either comparative or absolute terms. Test results constitute only one of a variety of pertinent sources of information for personnel, guidance, and counseling decisions. The counselor must interpret the following statements as applying to the whole range of appraisal techniques including test and nontest data.

- a. The counselor must provide specific orientation or information to the examinee(s) prior to and following the test administration so the results of testing may be placed in proper perspective with other relevant factors. In so doing, the counselor must recognize the effects of socioeconomic, ethnic and cultural factors on test scores. The counselor has a professional responsibility to use additional unvalidated information carefully in modifying interpretation of the test results.
- b. In selecting tests for use in a given situation or with a particular client, the counselor must consider carefully the specific validity, reliability, and appropriateness of the test(s). General validity, reliability and the like may be questioned legally as well as ethically when tests are used for vocational and educational selection, placement, or counseling.
- c. The counselor must proceed with caution when attempting to evaluate and interpret the performance of minority group members or others not represented in the norm group on which the instrument was standardized.

5. Consulting

- a. The counselor acting as consultant must have a high degree of awareness of his/her own values, knowledge, skills, limitations, and needs in entering a helping relationship involving human and/or organizational change. The focus of the relationship must be on the issues to be resolved and not on the person(s) presenting the problem.
- b. The consulting relationship must be one in which client adaptability and growth toward self-direction are encouraged and cultivated. The counselor must maintain this role consistently and not become a decision maker for the client or create a future dependency on the consultant/counselor.

6. Personnel Administration

The functioning of a counselor within an institution must contribute to the goals of the institution and vice versa if either is to accomplish their respective goals or objectives. The counselor and the college must function in ways to (a) make the college's goals explicit and public; (b) make the counselor's contribution to college goals specific; and (c) foster mutual accountability for goal achievement.

To accomplish these objectives, the counselor and the administration/board of governors must share responsibilities in the formulation and implementation of personnel policies according to the faculty personnel and policy statement.

- a. Counselors' job descriptions contain parameters defining and describing levels of professional competency.
- b. Counselors must establish interpersonal relations and working agreements with administrators and staff regarding counseling or clinical relationships, confidentiality, distinction between public and private material, maintenance, and dissemination of recorded information, work load and accountability. Working agreements in each instance must be specified and made known to those concerned.

PART II CONFIDENTIALITY

Two issues pertain to counselors and confidentiality with students-
- the ethics of confidentiality in the professional role of counselor and confidentiality and legal implications. Statements made about confidentiality refer to students of legal age. A separate section will address confidentiality and students who are minors under the law. Most of the information in this section is taken from Donald Blocher's, "The Professional Counselor," 1987, pages 25-29.

A. THE ETHICS OF CONFIDENTIALITY--THREE LEVELS

1. Sharing Information Externally

At Pima Community College the release of information about a student of legal age is governed by the Buckley Amendment, which requires the consent of the student prior to the release of any information. "Information" can include official college files such as transcripts or assessment results as well as counselor notes.

The ethical principle involved is stated as follows:
"Information arising out of a counseling contact is the joint property of the counselor or counseling agency and the client or client system. Therefore, it should not ordinarily be used in ways that may be objectionable to either."

EXAMPLE: An agency may ask for the career testing results of a student, but a counselor cannot send those results to the agency without the written consent of the student.

2. Sharing Information Internally

There are occasions within the counseling process when the counselor may find it desirable, for the benefit of the student, to share certain information about the student with other members in the college community, such as instructors, other counselors, or administrators.

The student may not understand the need to share information. The best way to avoid this problem is to explain very clearly in advance how the information will be handled with regard to other college personnel.

The following principle governs this level of confidentiality: "Clients should be informed in advance of the Counselor's Policy with regard to the sharing of information with relatives or other professionals when such sharing is judged to be in the client's

best interest." (BLOCHER, 1987, Pg. 26)

EXAMPLE: A counselor may discuss a student with another counselor because they are both working with the student.

EXAMPLE: A counselor may discuss a student's financial situation with a staff member in the Financial Aid Office.

3. Imminent Danger to Human Life

Counselors provide students with an opportunity to share troubling experiences so the students can receive help. In this capacity counselors play an important social role and maintain the public trust through discharging duties that go along with the status of being a professional.

At this level of confidentiality the counselor would not divulge the communication even if the counselor felt strongly it was in the student's best interest to do so. The exception to this confidence is when there is a danger to human life.

The ethical principle involved is stated as follows:
"When a counselor encourages a client to believe that a communication will be held in full and complete confidence, the only ethical ground for breaking that confidence is danger to human life." (Blocher, 1987

Pg. 27)

EXAMPLE: A student reveals she has been raped but is unwilling to talk to the police. Ethically, the counselor does not reveal the information.

EXAMPLE: When a student discusses serious thoughts of suicide or of harming another person, the counselor must report this to the Dean of Student Affairs. (See Student in Crisis section of Handbook.)

B. CONFIDENTIALITY AND LEGAL IMPLICATIONS (SEE MEMORANDUM BY RONALD STOLKIN APPENDIX B FOR THE LEGAL DISCUSSION OF THIS ISSUE.)

1. Minors

When dealing with students who are considered minor children, the counselor should remember in most cases custodial parents have legal and moral rights to information about their minor children. Such a right should not be taken lightly. Often young people would only reveal information to a counselor if they felt it would not be shared with their parents. Because a counselor is not allowed to keep confidences with a minor child and would have to reveal the information to the parents if it were requested, the counselor and student should discuss at length the nature of their work together.

2. Privileged Communication

The subject of Pima counselors and "Privileged Communication" in legal situations has been frequently discussed by the counselors. As referenced in the memorandum by Ronald Stolkin, counseling sessions with students are not protected as privileged communication in a court of law.

3. Subpoena

Unless Pima Community College counselors are certified psychologists, the communications counselors receive from students (or other employees) are not privileged communications, i.e., not confidential. Therefore, Pima Community College counselors can be subpoenaed for information they have received from a student or employee, as can notes they have kept from a counseling session.

C. CHILD ABUSE AND REQUIRED ACTION

1. College Counselors must report all cases of abuse or of neglect prohibited by Arizona Revised Statutes (see definition) of College-affiliated minor persons with whom they have contact either on campus or off campus during College-related activity, whether the abuse be physical or sexual, obvious or not. Report must be made in the following situations:

- a. Upon the report of abuse by the abused minor person, or
- b. Upon the report of abuse by one close enough to the situation reasonably to have accurate information as to the occurrence of the abuse, or

- c. Upon the inference of abuse (the reasonable suspicion) by the counselor.

The counselor must immediately and completely inform his/her supervisory Dean and together with him or her determine which law enforcement agencies and/or which child protective services to contact in order to make formal report of the abuse. Within 72 hours, the formal report must be made to at least one agency authorized to take such reports.

2. Counselors, whose clients may perceive them as being absolute confidants, receiving a report of abuse or neglect must inform those who report it that:

- a. By law and by college regulation, information concerning abuse does not bear the privileged status of confidentiality, and
- b. Abuse or suspected abuse must be reported immediately as required by state and local laws and by the regulations of the College, and
- c. Further, College regulations require that they not engage in evaluation as to the accuracy of the report and that they take seriously each report given to them.

3. Definitions (Paraphrases of ARS 13-3620)

- a. Minor person: Any person under eighteen years of age.
- b. Abuse: Acts of maltreatment or of failure to provide protection (neglect) against harmful situations or deliberate actions that result in injuries to minors; the results of such acts or actions.

[1] Physical abuse: Bodily injury due to harsh and out-of-control punishment that leaves physical evidence, including visual evidence, evidence of internal damage, and/or impairment of bodily function. Serious physical abuse: Implies physical abuse that creates reasonable risk of death, serious or permanent disfigurement, or other serious impairment of physical health (functioning) and welfare.

[2] Sexual Abuse: Contact between a minor and an adult where the minor is being used for sexual stimulation, especially by such activity as fondling, bodily exposure, child pornography, or sexual intercourse.

[3] Emotional abuse: Damage to a minor's sense of self-worth due to rejection, humiliation, or lack of love.

[4] Neglect: A type of abuse (See 2 above) of a minor under care or in custody involving the failure to provide adequate medical care, housing, food, protection, or education, including the failure to take action to prevent physical, sexual, or emotional abuse by another.

PART III RECORDKEEPING

An Eric and Dialogue Search and a review of counseling indices such as the Journal of Mental Health Counseling and Psychological Abstracts reveal minimal research related to recordkeeping. In "Client Records: inexpensive liability protection for Mental Health Counselors", Paul Snider points out that counselors have yet to recognize the importance of documentation because of the scarcity of this topic in the literature. Counselors who find themselves in the unfortunate position of defendants in civil suits are quickly introduced to the legal profession maxim: work not written is work not done. Thus, it is important for counselors to develop and understand guidelines that can assist them in their recordkeeping. The following research and personal input is designed to serve as a starting point in the formulation of a valid and effective recordkeeping process.

A. REASONS FOR KEEPING RECORDS

Counselors encounter varied and complex problems. Silver (87) states, "Events in the real world of practice flow with such speed and captivating intensity that much of the thinking and planning in the course of action seems to be instinctive, intuitive or natural." During these intense encounters the counselor must maintain his/her objectivity. Silver further adds that recordkeeping enables the counselor to:

- imprint case details in memory
- enforce a period of reflection
- expand the search for solutions

- maintain psychological distancing
- increase professional involvement
- induce the testing of assumptions
- promote colleague communication and joint problem solving

B. CHARACTERISTICS OF ADEQUATE RECORDS

According to Glass (84), a properly written record contains clear and concise statements summarizing the counselors' contacts with their clients. Schutz (82), provides a comprehensive list of the specific information a good record contains.

- written and signed informed consents for all treatment
- written and signed informed consents for all transmissions of confidential information
- Treatment contracts, if used
- Notes on all treatment contacts made, either in person or by telephone, including descriptions of significant events
- Notes on all contacts or consultations with significant others, including correspondence, complete history, and symptom picture leading to diagnosis, with regular review and revision of the diagnosis, a record of all prescription and current drug use profile, a record of therapist's reasons for diagnosis and direction of treatment including

any instructions, suggestions, or directives made to the patient s/he failed to follow through on.

Since not all these characteristics would apply to the counselors' recordkeeping, the following can serve as objective, brief and concise recordkeeping criteria:

- Student Data - name, student number, date, time and location
- Behavior Data - referred by, behavior observed, nature of problem/reason for visit
- Action plan - referral made to, what is the student going to do, number of contacts
- College Personnel Involvement - campus police, appropriate administrators, faculty

C. WHEN TO DOCUMENT

- if the student is of danger to themselves or others
- if the counselor refers the student to a community agency for serious behavioral disorder(s)
- if the student is referred to you by a member of the mental health community
- if the student's behavior constitutes a violation of the student code of conduct or scholastic ethics code

D. WHERE TO DOCUMENT

- in your office immediately after the visit
- store it in a secured place
- records storage - although space can be a problem, Beis (84) recommends retaining a record for at least 10 years because of the statute of limitations.

After reviewing the available literature, recordkeeping appears to be more than a defense strategy. It also helps ensure the delivery of quality care. According to Atthowe (75), "Accountability in the mental help field is coming to mean that we verify (i.e. record) what we do and further, that we justify on paper why we did it". Greenlaw (82) concludes "it is essential for counselors to perceive documentation as a clinical responsibility and not a clerical chore."

E. COUNSELOR RECORD FORM

Name/S.S. #

Date

Location

Time

Nature of Problem/Reason for Visit

Referred By

Specific Behavior Observed

Action Plan

Referral Made To

Administrator Involvement

Campus Police Involvement

Counselor Comments

F. PROPOSED CONSENT FOR THE RELEASE OF INFORMATION FORM

I, _____, authorize _____ to disclose to _____, counselor at Pima Community College, the following specific information:

for the purpose of: _____

Specification of the date, event or condition upon which this consent expires: One hundred-twenty days from date of signing.

Executed this _____ day of _____, 19__.

I acknowledge that the reason for the release of information was fully explained to me and this consent is given of my own free will.

Signature of Student

Signature of Counselor

Signature of parent, guardian
or authorized representative

PART IV THE COUNSELOR AND THE STUDENT CODE OF CONDUCT/SCHOLASTIC ETHICS CODE

The revised Student Code of Conduct and Scholastic Ethics Code were approved as policies in 1989. Frequently, counselors are asked by a student, faculty member or administrator for assistance in the procedures process, (see appendix D pages 4-7, 22, 23) and/or guidelines process (see appendix D pages 20 -21). It is extremely important for the counselor to determine what their role will be within the process, establish a framework of mutual expectations and effectively communicate with everyone involved.

Too often the student, faculty member or administrator expects the counselor to resolve the situation. Shifting ownership of the problem to the counselor. If a counselor becomes involved with a student code of conduct issue, the following paragraphs may allow the counselor to determine his/her role without owning the problem. The counselor and the student must mutually decide if a consulting and/or counseling function is required or desired.

A. CONSULTING FUNCTION

A consulting function occurs when a counselor explains procedures, elicits cooperation between the parties involved, or identifies resources for facilitating the process. Thus, s/he becomes an interested third party, and does not assume responsibility for the outcome.

The most commonly used model is triadic consultation in which the counselor works with a mediator (an administrator or faculty member) and client (student or faculty member). A critical aspect of the triadic consultation is that the 3 roles are defined, accepted and maintained. A counselor should not be the mediator in code violations but should serve only as a consultant. The counselor is careful not to infringe on the relationship between mediator and client (taking sides in the matter). According to Blocher (87), the consultant does not take over problems or solve them directly. Rather, the consultant offers time-limited and resource-limited assistance to others with their aspirations, concerns and problems.

B. COUNSELING FUNCTION

A counseling function occurs when the client and counselor identify the behavior (the code violation) and develop mutually agreed upon strategies and objectives for behavior resolution.

C. UTILIZING THE TWO FUNCTIONS

EXAMPLE: A student yelled at his/her instructor in class. The instructor issued a complaint against the student and the appropriate Dean has arranged a meeting between the instructor and the student to resolve the situation. Before the meeting the student makes an appointment with a counselor at which time the student tells his/her side of the incident.

Consulting Function - The counselor reviews the alleged violation and explains appropriate procedures. The counselor may provide the student with copies of any pertinent sections of the code and review college and community resources.

Counseling Function - The counselor and student identify the behavior (such as inappropriate displays of anger) the student wants to change and mutually agree upon strategies and objectives for facilitating the change.

A counselor may utilize a consulting role at the beginning of the code violations process, and be asked by the student for personal counseling services after the code violation process. The counselor is responsible for carefully explaining his/her role and limitations, as well as any possible conflicts of interest. Regardless of which function is chosen, the counselor must not enter into a punitive role. S/he should be viewed as a supportive resource who facilitates various college processes and student behavior changes.

**PART V THE COUNSELOR AND SEXUAL HARASSMENT/DISCRIMINATION
COMPLAINTS**

Sexual harassment and discrimination complaints are among the most difficult to deal with. In most cases the issue involves deciding who to believe. An allegation is made, followed by a denial. What is left can be damaging to everybody, unless properly handled.

If a student has a sexual harassment or discrimination complaint, frequently the first college representative sought is a counselor. After discussing the incident, the student usually wants to know what s/he or the counselor can do. The following steps can assist the counselor in answering the student's questions:

A. PROCEDURES

1. Explain the seriousness of the allegation
2. Explain the informal and formal complaint procedures in a consulting manner (refer to pages 8 and 9 in the Student Code of Conduct Appendix D)
3. Provide the student with copies of any relevant sections
4. Explain the role of the College Affirmative Action Officer as a resource for clarifying procedures and assisting in the complaint process.
5. Explore the possibility of a counseling referral for a follow up visit or to an appropriate college/community

5. Explore the possibility of a counseling referral for a follow up visit or to an appropriate college/community agency for any emotional concerns (anger, anxiety, depression) associated with the incident
6. Provide directions to the appropriate administrator's office.
7. Record the incident (see recordkeeping section)
8. Report the incident to the appropriate supervising Dean

B. IMPORTANT POINTS TO REMEMBER:

1. Black, Gilson (88): Any campus system of dealing with allegations of harassment must be swift and effective. In addition, the process has to be fair and appear to be fair to the accusing and to the accused. Finally confidentiality should be preserved to the extent possible to insure that 1) complainants feel comfortable coming forward and 2) those falsely accused are not tainted unnecessarily.
2. The main difference between the informal and formal complaint process is the time frame. The informal does not have a time frame for resolving the complaint, while the formal complaint has specific time deadlines throughout the process.

PART VI THE COUNSELOR AND THE CAMPUS POLICE

Campus Police are employed by the college to maintain a safe environment in which college personnel and students can pursue their professional and academic endeavors. Since 1988, the police have reported a dramatic increase in the number of campus incidents in which a person is of danger to themselves or others.

Occasionally a counselor will come into contact with a student interfering with the educational process who may be of danger to self or others. Examples of this include a student who has a visible weapon or implies that s/he has a weapon, one who is extremely violent/angry, threatens someone with physical harm, or initiates physical harm.

In these and similar examples the counselor should notify the campus police by calling 6642, providing them with the following information:

- Your name and location
- Brief description of the incident
- Type of assistance requested:
 - The police will take control of the situation, or
 - The police will be present and will assist the counselor, if needed.

If the counselor is unable to contact the police (the act may incite the student), then an emergency back up system should be implemented. This system should be developed by each area in which a coded message, i.e., please cancel my appointments for the rest of the day, is given to a secretary or fellow worker, who will, in turn, alert the police.

The counselor should keep a record of the incident (see recordkeeping section) and report the incident to the Dean. Citations and charges do not have to be given at the time the police are called in to assist. Such issues can be decided later and are often handled internally by the college.

NOTE: For information on dealing with the referral of students in crisis or emergency situations (serious threats of suicide or homicide, highly irrational behavior, erratic/dangerous behavior, severe disorientation, loss of touch with reality, etc.) see the students in crisis section of this handbook.

B. SOURCES FOR REFERRAL

All counselors should obtain a copy of the latest directory of Human Resources (A Guide To Helping Services In Pima County) published by Information and Referral Services. The new edition has a mental health supplement with names of professionals in private practice. The supplement should be viewed as an advertisement, not an endorsement of services.

Discussing possible referral sources with other counselors is also very helpful. Asking counselors to share information about referring to particular agencies should be a regular topic at CSAC meetings.

All counselors should have a clear understanding of any special arrangements made between Pima Community College and agencies that will impact how referrals are to be made and to whom. At the beginning of each semester a discussion between counselors and the Dean of Student Affairs should be arranged to review the procedure for the referral of students in crisis or emergency situations.

PART VIII

COUNSELOR ASSISTANCE TO STUDENTS IN DISTRESS AND STUDENTS IN CRISIS

Two distinctions have been made about the various types of emergency situations that involve students--students in distress and students in crisis. This was done in an attempt to clarify when counselors could be of assistance and when the Dean of Student Affairs and the Campus Police would be the more appropriate contact for help.

A. STUDENTS IN DISTRESS

Due to the frequency and nature of faculty and staff contact with students, these professionals are in the most direct position to be aware of student needs and problems. Faculty or staff may notice the behavior of a student who is in distress. The student is not exhibiting behavior that is menacing, aggressive, dangerous to self or others, but is obviously in distress. The student is exhibiting behavior signifying a sudden change in the student's predictable, familiar pattern of functioning. Some examples of behavior that fit this distinction are:

- Openly crying
- Outburst of anger
- Appearing anxious and distraught
- Drop in academic commitment and performance

- Appearing depressed and despondent
- References to suicide
- Rapid weight gain or loss
- Low energy or chronic fatigue

1. Guidelines for Intervention

Sometimes distressed behavior may be noticed by an instructor in a class setting and the instructor may refer the student or accompany the student to the counselor's office. At other times, a staff or faculty member may notice a student's distress in a location on campus, such as the library, the restroom, or lab, and call the counseling center expressing concern for the student. When counselors receive this type of call, they may want to ask the following questions of the caller:

- What is your name?
- What is the student's name
- Do you know the student? How do you get along-- neutral, adversarial, congenial?
- What is the student doing?
- Does the caller or anyone else in the area feel threatened?
- Has anyone tried talking to the student? What resulted?

- What would the caller like to see happen as the result of a counselor intervening?
- If the outburst has been an angry one and the student is continuing to harass the staff or faculty member, or if the student behavior is moving to a crisis, the counselor and the caller should discuss contacting the Campus Police or Dean of Student Affairs

When counselors agree to intervene, they may want to proceed by following these suggested guidelines:

- Call the Dean of Student Affairs to inform him/her of your plans.
- On the scene: introduce yourself and explain why you are there. Simply state that people in the area are concerned about the student's well being because of (state the behavior) and they thought talking to a counselor might help.
- Ask the student's name.
- Invite the student to accompany you to your office or, if more appropriate, invite the student to move to a less public location where you both can talk quietly.

B. STUDENTS IN CRISIS

Student behavior in this section is defined by but may not be limited to the following examples:

- .Serious threats of suicide or homicide
- .Highly irrational behavior/aggressive behavior
- .Seriously disturbed or psychotic
- .Severe disorientation
- .Loss of touch with reality
- .Under the influence of drugs or alcohol

1. Crisis outside the counseling office

When a student in crisis is anywhere else but in a counselor's office, the people on campus to call are the campus police, Dean of Student Affairs or appropriate administrator. In the past counselors have been called by campus personnel to intercede with a student exhibiting disruptive or menacing behavior. It is inappropriate for a counselor to intervene in such cases. The campus police are the appropriate contact people. The following section on Disruptive Behavior explains this in greater detail.

2. Crisis in the counseling office

When faced with a student in crisis, counselors must have a support network in department and on campus they can seek out for help. The network should include but may not be limited to: the campus police, the counselors in the department, Associate Dean (where applicable), Dean of Student Affairs, Department Secretary. At some time a counselor may be faced with a hostile menacing student and may need to deescalate the situation while waiting for assistance from the campus police. The following are suggestions given by Dr. Gerald Amada when he lectured at the college in 90/91.

First acknowledge to yourself that feeling scared is normal. Pause before you say anything and size up the situation-take a deep breath and exhale. People in crisis are defensive. You must be a good actor, confident, reassuring, calm, directive and authoritative. Offer a refreshment if possible. Don't touch the person (usually). If other people are around walk to an area of privacy. Keep all instructions direct and simple. Suggest an office for more comfort to talk. Do not threaten, give ultimatums, argue or shout. Go with the fears and feelings of the student. Sometimes humor can be ridiculing. Crisis intervention requires special training and experience and the intent of these suggestions is to get the situation under control until the police

arrive. When the police arrive cooperate with them completely in making a full report, do not interfere in the way they handle the situation.

3. Disruptive Student

(This new section of the handbook replaces the section entitled Aggressive Behavior. This section is based on notes from two lectures by Dr. Gerald Amada given at the college in 1990/1991.)

Definition: Disruptive behavior is behavior that is disruptive to the learning process and outside normal behavior parameters. Disruptive behavior includes menacing and aggressive behavior, excessive emotional outbursts, a loss of touch with reality, threats of suicide, psychotic behavior, or students under the influence of drugs or alcohol. Disruptive behavior may occur once or may be repetitive or chronic. Additionally, disruptive behavior can be sleeping when it is inappropriate to do so, extreme cases of poor hygiene, inappropriate touching, and mishandling equipment.

It is important to note that this section has been added to the counselor's handbook to clarify the counselor's role on campus when receiving a request to intercede with a disruptive student. Disruptive behavior on a college campus is not the result of a student needing therapy but the need for the student to adhere to the Student Code of Conduct. It is a disciplinary issue to be handled by administrators with appropriate censures placed on the student so that the disruptive behavior is stopped.

Frequently, but not always, students with mental illness are involved with disruptions on campus. Although the mentally ill do not commit more crimes than average, they are involved with a disproportionate number of events that are disruptive, though not dangerous. Typically these people have had thousands of hours of counseling and therapy, so referring them for more counseling will not stop the disruptive behavior. Referring any student to counseling when their behavior has been disruptive creates a conflict for the counseling process which is for guidance and healing and not discipline.

There are numerous reasons why referring the disruptive student to counseling is inappropriate. As mentioned before, if the student is chronically mentally ill then he/she has already received hours of therapy, also the referral assumes that disruptive behavior can be cured by counseling and it transfers authority for student behavior from administration to counseling. Using counseling as a condition of a continued enrollment is coercive, as confidentiality is the cornerstone

of counseling. Using counseling as an evaluative process to determine reenrollment of the student assumes the counselor can predict human behavior which is not possible for anyone, and it is discriminatory to students based on the assumption of mental illness.

The counselor does have a role in the disruptive student behavior issue. That role is to work with both the administration and faculty as a consultant. Frequently faculty and administrators have an aversion to discipline or to reporting incidents of disruption. They may fear it will inflict psychic pain on the student, or they may believe college is a protective place for students. Some faculty are at odds with the administration and mistrust their approach to student discipline, some may fear a student's disruptive behaviors a reflection of their professional inadequacies and some mistaking discipline for punishment lose sight of the potential positive results of discipline for the student.

Discipline does not mean punishment and does not mean legal action unless the offense was also illegal. Even if the act was illegal the college police and the administration evaluate whether pressing charges is appropriate and if the college wants to prosecute.

Working with Faculty

Disruptive students place inordinate demands of time on faculty and staff. Frequently disruptive students have a grandiose sense of entitlement and doing nothing makes matters worse. Faculty should keep a record of any incident that is disruptive and the action he/she took with the student. If the faculty member feels threatened by the student then a record should be made and the campus police should be notified. If the faculty member believes the disruption is blatant but not menacing then confronting the student is appropriate.

The counselor and faculty member should have a discussion about how to proceed with the confrontation of the student. What follows is a suggested approach for talking with the student.

TIPS: When confronting a student

1. Meet privately with the student
2. State the student's behavior
3. Express your boundary about the inappropriateness of the behavior
4. Make a request for change in behavior
5. Inform the student that you are making a report of this conversation to your dean

6. Inform the student that his/her behavior is a violation of the Student Code of Conduct because it disrupts instruction
7. Inform the student of the results if the behavior is repeated
8. In some cases it may simply be best for the faculty member to advise the student to withdraw from the class

Working with the Administration

When an administrator receives a report about disruptive behavior, two actions need to occur throughout the administrative procedure that follows the report: 1) accurate records need to be maintained and, 2) the complainant should be kept informed. Conditions of reenrollment can exist for a student who has been suspended from the College for disruptive behavior. These conditions of enrollment do not mean counseling but can require the student to meet with someone before reenrollment. This meeting should spell out to the student in written form the conditions or standards of reenrollment and the results if the behavior is repeated. If the student involved is on psychiatric medications and the disruptive behavior is related to the student's failure to take his/her medications then that issue should be brought forward in the conditions of reenrollment. An example of how this can be said without getting into a dispute about medications follows. "Medications are essential to you. Whether you use them or not is up to you, but what is not permitted is for you to break the rules."

The Student Code of Conduct becomes the standard to regulate student behavior on campus. Faculty, staff and administrators need to become familiar with the document in order to protect their right to respect in the workplace.

4. DEPRESSION

Occasionally a counselor may see a student s/he suspects is suffering from depression. The counselor will probably want to refer the student to an agency or professional in the community. Two experts have provided the following background information about depression to assist the counselor with clarifying the student's issue and referring the student for help.

- a. Notes taken from a March, 1989 workshop by Dr. Maxine Ijams

Depression is the leading mental health problem in Western countries. About 50 percent of the population experiences a major episode of depression at some point in life. Young adults age 18 to 24 and the elderly are most likely to attempt commit suicide as a result of depression.

There are two sources of depression and two classifications of depression. The two sources of depression are:

- Endogenous - biologically based and often genetic,
- Exogenous - environmentally influenced.

The two classifications of depression are:

- Unipolar - either agitated or vegetative state,
- Bipolar - manifested through manic-depressive behavior.

When working with depressed students, counselors should take a detailed history of the client's emotional state and carefully examine family history. Basic procedures are:

- Begin with questions about food and eating patterns. Lack of food can cause mental confusion and feelings of hopelessness. If possible have the client eat a protein food, preferably something hot, to restore reasoning ability.
- Explore the client's pattern of physical exercise. After 20 minutes of exercise with a heart rate of 140 beats per minute, the brain generates its own antidepressants. Seasonal Affective Disorder (SAD) is found in those who suffer from light deprivation resulting from seasonal changes when less light is available and the angle of the sun rays change.
- Look at "head talk". What the person says to self affects self-concept and self-worth. In order for counselors or others to impact a depressed client, the person has to internalize what is being said.
- Are alcohol and/or drugs being used? Alcohol and drugs are often used by those who are depressed, resulting in more severe depression.

- If the client seems suicidal, ask if s/he has considered suicide. Find out if the client knows the method s/he will use and if the client has the means, opportunity, and motive (as well as the strength of that motive) to commit suicide.

b. Notes taken from workshop by Dr. Hal Arkowitz, October 1989

Symptoms of depression

- Sad or depressed mood
- Loss of interest or pleasure in activities
- Weight gain or weight loss without dieting
- Trouble falling asleep or staying asleep
- Feeling agitated and moving a lot, or feeling slowed down and moving less quickly than usual
- Fatigue or loss of energy
- Feeling worthless or guilt-ridden
- Trouble thinking clearly, concentrating, or making decisions
- Thoughts of suicide or suicide attempts

Course of Depression

Most depressions improve after 3-6 months. However, there is a strong likelihood of further depressions. Treatment can reduce the symptoms more quickly and reduce the possibility that depression will return.

Types of Depression

Unipolar depression has only depressed periods. Bipolar (manic-depression) has both manic and depressed periods.

Biographical causes

People who are predisposed to depression are likely to have lower levels of certain brain chemicals known as neurotransmitters. It is also likely that our biology is changed by depression and our level of these important chemicals is lowered by depression.

Psychological Causes

Loss of a primary source of self-esteem is an important factor. These sources can be relationship, work, or other. Depressed people often experience a great deal of anger and express their anger indirectly.

The Good News about Depression

A large number of published scientific studies have demonstrated that between 65% and 95% of people who receive antidepressant medication or certain types of psychotherapy (particularly cognitive therapy) show significant improvements, often completely overcoming their problem with depression.

5. SUICIDE INTERVENTION PROCESS

If the student is making threats of suicide, the counselor asks the student if s/he knows the method s/he will use, if the student has the means, opportunity and motive (as well as the strength of the motive) to commit suicide. If the counselor believes that the student's discussion of suicide is serious, the counselor.

- a. Talks directly to the student expressing concern and recommending the student go immediately for help to a mental health facility.
- b. Asks the student if there is a family member or close friend who can be called to take the student to the facility.
- c. Makes the phone call to inform the appropriate individual at the mental health facility of the referral.
- d. Tells the student that the Dean of Student Affairs must be informed and makes the phone call to the Dean immediately, if appropriate.
- e. If the student does not have transportation, discusses with the dean what arrangements can be made (campus police escort?).

f. Makes a record of the events.

6. SUICIDE RISK ASSESSMENT - DR. HAL ARKOWITZ

The following suicide risk assessment contains suggestions for questions to ask the potentially suicidal person.

Use open-ended questions to encourage the client to talk.

In the past, have you had thoughts of suicide or of harming yourself in any way?

If yes,

Tell me more about how you were feeling.

What thoughts were you having during those periods?

If no,

Be sure to rule out excessively self-destructive behaviors

Look for:

Prior suicide attempts

How serious the attempt(s) were

Check lethality: weapons, prescription drugs, what the attempt was

How many attempts have been made?

When was the last attempt?

What prevented the suicide?

Were alcohol or drugs involved?

What was the situation before the attempt occurred?

Is there a family history of suicide?

If previous suicide attempt:

How recent was the last attempt? The first three months after a suicide attempt is a critical period of adjustment--the individual may be embarrassed, ashamed, angry. The client may be gathering strength for another attempt or may view an unsuccessful suicide attempt as just another personal failure.

If the suicide risk is judged as reasonable, make every effort to answer all the above questions and refer the client for immediate professional help. Let him/her know you care and ask if you may follow-up.

7. PSYCHOTIC BEHAVIOR

If the student is exhibiting a severe disorientation or loss of touch with reality, or is seriously disturbed or psychotic, the following suggestions could help:

- a. Counselors occasionally see an individual exhibiting a loss of touch with reality or psychotic behavior. Usually s/he wanders in on walkins and demands something or creates an embarrassing scene. The counselor can try to get the student's name and student number. Asking for this information can help keep the counselor in control of the situation and looking at a student's past record can frequently reveal much about the student.

- b. Other questions to attempt to get answered: Has the student talked to other counselors? Who? Which Campus?
- c. Sometimes it is possible to find out the student's past medical history, medications, and therapist or doctor who is treating the student. This can be useful background information.
- d. If the student has no previous history at Pima, the suggestions for how to interact with the student are listed in section 8 below.
- e. In all instances, the counselor stays focused on what s/he wants to do, maintaining control of the interview. What the counselor "wants to do" can be different in each situation. The student can be directed to medical help arranged with the Dean of Student Affairs. Sometimes calming the student so s/he leave campuses is the best solution.
- f. If the counselor begins to feel threatened, s/he should immediately call for assistance from the campus police.
- g. After the incident the counselor informs the other counselors in the department, making sure to tell them the name of the student so everyone is forewarned. The counselors and Dean of Student Affairs may want to discuss possible future interventions.
- h. Make a record of the incident.

8. COMMON PSYCHOTIC CLASSIFICATIONS AND INTERVENTIONS

(Information provided by Help on Call)

The psychotic person usually has lost some ability to think, feel and act in a realistic, appropriate way. The task of the interventionist is to provide temporary protection for the person using his/her ability to think, feel, and act in appropriate ways, and to develop a plan for continuing this process until the person can reestablish control.

1. The interventionist may use what s/he knows and feels to identify the psychotic person.

a. Basic knowledge of abnormal behavior is helpful.

(1) Knowledge of separate classifications

(2) Knowledge of distinguishing characteristics

b. Personal reactions of the interventionist are equally helpful.

(1) Recognizing you feel disturbed after the interaction

(2) Feeling confused, upset, limited

(3) Feeling unsatisfied with the outcome of the interaction

2. The interventionist needs an appreciation of the variety and course of disturbed behavior when obtaining background.

a. Possible Causes

- (1) Physical
- (2) Alcohol or drug use
- (3) Acute stress reaction
- (4) Mental illness (functional)

b. Exploring Background

- (1) Concentrate on recent history
 - [a] How long has client been having difficulties?
 - [b] What kind?
- (2) If possible, obtain information from others.

3. The interventionist may classify disturbed or psychotic behavior into four basic types.

a. Paranoid

- (1) Most common characteristics:
 - [a] Suspicious
 - [b] Mistrusts motives of others and misperceives their intent.
 - [c] Projects blame on others.
 - [d] Feelings of exaggerated self-importance or persecution.

(2) Frequently observed characteristics:

- [a] Belligerent, irritable, grouchy
- [b] Complains and finds fault
- [c] Feels controlled by external influence

b. Excitement

(1) Most common characteristics:

- [a] Expresses feeling without restraint
- [b] Self-dramatizing
- [c] Manipulative
- [d] Restless, short attention span
- [e] Dominating

(2) Frequently observed characteristics:

- [a] Loud, boisterous
- [b] Drifts off subject in continuous but illogical streams of thought
- [c] Euphoric
- [d] Irritable, threatening

c. Disorganized

(1) Most common characteristics:

- [a] Thinks and talks in symbols rather than concepts.
- [b] Ambivalent, impressionable
- [c] Apathetic
- [d] Easily distractable

[e] Often gives irrelevant or incoherent answers

[f] Behavior often obviously inappropriate

(2) Frequently observed characteristics:

[a] Hallucinations

[b] Disoriented

[c] Repetitive behavior or speech

d. Self Blaming

(1) Most common characteristics:

[a] Blames or condemns self

[b] Depressed mood, flat affect

[c] Preoccupied by unwanted thoughts and feelings

[d] Vague apprehension

[e] Slow speech, memory

(2) Frequently observed characteristics:

[a] Apathetic, indifferent

[b] Feelings of hopelessness, wickedness

[c] Little daily activity

4. The interventionist may direct the interventional approach toward specific problem characteristics.

a. Building rapport with client

(1) Paranoid

- [a] Use honesty.
- [b] Be firm, authoritative in your approach.
- [c] Focus on what can and can't be done rather than right and wrong.
- [d] Explain what you mean and what you intend.
- [e] Encourage responsibility rather than thought.

(2) Excitement

- [a] Structure interview by exploring background.
- [b] Maintain control over what you want to do.
- [c] Explore aspects of control in situation.
- [d] Encourage looking at consequences.

(3) Disorganized

- [a] Accept client's way of presenting situation.
- [b] Attempt to talk to feeling rather than symbols.
- [c] Explain interpretations
- [d] Offer reassurance, protection, control: actively participate in interaction

(4) Self blaming

- [a] Show respect without sympathy
- [b] Encourage responsibility
- [c] Discuss thoroughly suicidal statements
- [d] Show interest
- [e] Counter ambivalence with firmness

b. Defining the problem and solutions

(1) Paranoid

- [a] Put in terms of what client is willing and able to do.
- [b] Recognize the need to protect others.
- [c] Be firm about what you believe is necessary.
- [d] Don't buy into projections.

(2) Excitement

- [a] Stress what may be potentially harmful.
- [b] Emphasize importance of control.
- [c] Recognize need to involve family, friends.
- [d] Make sure you can follow up.

(3) Disorganized

- [a] Participate actively in planning.
- [b] Be supportive, encouraging.
- [c] Strong use of self.
- [d] Follow-up important.

(4) Self blaming

- [a] Encourage responsibility while offering temporary protection
- [b] Focus on resistance
- [c] Don't agree to secrets or promises of confidentiality you may not keep
- [d] Counter ambivalence with firmness
- [e] Show concern
- [f] Have definite plan with follow-up

c. Mistakes to be recognized and avoided

(1) Paranoia

- [a] Don't argue, threaten or pretend false control.
- [b] Avoid being part of delusion.
- [c] Avoid discussing in terms of right and wrong.
- [d] Don't buy into projections.

(2) Excitement

- [a] Don't over exceed your ability or authority.
- [b] Avoid being manipulated by embarrassment, attacks on ability or attitudes of superiority.
- [c] Avoid being caught up in excitement either positively or negatively.

(3) Disorganized

- [a] Have a firm plan
- [b] Avoid acting withdrawn, aloof
- [c] Don't make interpretations without explanations
- [d] Don't attempt to disregard symbols

(4) Self Blaming

- [a] Don't avoid potential suicide thoughts, plans
- [b] Be aware of feelings of guilt, inadequacy
- [c] Watch for resentful, ignoring behavior
- [d] Don't accept secrets

9. Under the Influence of Drugs or Alcohol

If the student is under the influence of drugs or alcohol, the counselor may want to follow these guidelines:

- a. Tell the student you believe the s/he has used drugs or alcohol. Avoid getting into an argument about whether the student is or is not intoxicated.
- b. Inform the student that you do not feel comfortable working with someone under the influence of drugs or alcohol and that you will work with the student if s/he returns straight or sober
- c. Determine if the student has transportation and ask the student to go home
- d. If the student is driving, ask the student to wait for transportation

- e. Call the Dean of Student Affairs and the Campus Police
- f. Any student under the influence of drugs and/or alcohol on campus is in violation of the student code of conduct. Sending a student in that condition out to drive can be seen as the counselor acting negligently. Involving the Dean and Campus Police is prudent.
- g. Make a record of the incident

10. Evaluation and Intervention of the Potentially Homicidal Client

a. General Considerations

- (1) Homicide is a primitive, irrational response.
- (2) Homicide is usually the result of an impasse in which the victim is perceived as responsible by the perpetrator.
- (3) A homicidal person is usually out of touch with some inner pain experience (sadness, depression, anger).
- (4) Homicidal thoughts are generally described in an irresponsible way

b. Background and Early History

(1) General Characteristics

- [a] Male
- [b] Below average intelligence
- [c] History of social maladjustment

(2) Early History

- [a] Severe emotional deprivation -- prolonged absence of one or both parents.
- [b] Parental seduction
- [c] Exposure to brutality, violence
- [d] Problem triad (fire setting, cruelty to animals, bed wetting).

c. Character Traits and Personality Types

(1) Character Traits

(a) Undercontrolled Type

- [1] Marginal tolerance for anxiety
- [2] Tendency to act rather than think
- [3] Limited, superficial or highly ambivalent relationships (impasse)
- [4] Intense selfcenteredness -- seeing self as powerless while others as powerful
- [5] Tendency to make suspicious assumptions about other's intentions.

(b) Overcontrolled Type

- [1] Rigid controls
- [2] Denied hostility, anger
- [3] Explosive outburst

(2) Personality Types

- (a) Anyone who makes homicidal preparations
- (b) Paranoids -- especially those who drink
- (c) Antisocial Personalities

- (d) Either member of sadomasochistic marital pair
- (e) Schizophrenic mothers
- d. Evaluating the Preassaultive Crisis
 - (1) Evaluating the Person
 - (a) Emotional/Affective
 - [1] Trembling rapid pulse, vague uneasiness
 - [2] "Hot under the collar", "burning inside", "I'm going to blow".
 - [3] Flat overcontrolled, rigid
 - [4] Hostile, sullen, undercurrent of anger.
 - (b) Thought and Speech
 - [1] Disoriented, paranoid, delusional
 - [2] Projecting Blame
 - [3] Homicidal Fantasies
 - [4] Homicidal Plans
 - [5] Preoccupied with victim
 - (c) Behavior
 - [1] Impulsive -- quick to act rather than think
 - [2] Losing control
 - [3] Alcohol or drug impaired (amphetamines)
 - (2) Evaluating the Meaning of the Solution
 - (a) Power, mastery over victim
 - (b) Freedom from victim
 - (c) Connection to victim

- (3) Evaluating the Decision to Act
 - (a) Past violent behavior
 - (b) Sanction of immediate social group
 - (c) Victim sanction
- (4) Evaluating Plan
 - (a) How realistic is the plan, how well thought out.
 - (b) Weapon available
 - (c) Unrealistic attitude toward punishment
- e. Intervention for Client
 - (1) Goals
 - (a) Reestablish control using self in the situation
 - (b) Do not sanction behavior by silence
 - (c) Give responsibility to client
 - (d) Protect victim - warn victim, notify staff, and call police.
 - (2) Environmental Manipulation
 - (a) Separate warring parties
 - (b) Undercut potential accomplices
 - (c) Identify the willing victim
 - (3) Appeal to Narcissism
 - (a) Don't let the victim get the best of you.
 - (4) Avoid Complacency
 - (a) Don't trust later denial, sudden improvement.
 - (b) Continue to provide controls.

- (5) Teach Client to Relate to Inner World
 - (a) Experience pain without denial/projection.
- (6) Protect Victim
 - (a) PVF (Protect Victim First) Policy
- f. Intervention for Interventionist
 - (1) Share information
 - (2) Share responsibility
 - (3) Share feelings
 - (4) Avoid dangers of persecutor/rescuer using reflective listening

PART IX SUPPLEMENTAL INFORMATION

EPILEPSY

FIRST AID FOR EPILEPTIC SEIZURE

1. Keep calm. The person is usually not suffering or in danger.
2. Help him to a safe place but DO NOT restrain his movements. Loosen tight clothing.
3. As soon as possible, turn person on his side and gently turn face downward.
4. DO NOT PUT ANYTHING BETWEEN HIS TEETH.
5. DO NOT give him anything to drink.
6. Stand by until the person has fully recovered consciousness and from the confusion which sometimes follows a seizure.
7. Let him rest, if he feels tired, then encourage him to go about his regular activities.
8. If the person is a child, notify parents or other persons responsible for him at the time of the seizure.
9. It is rarely necessary to call public authorities a doctor, or an ambulance. However, in cases of prolonged seizures or if a person injures himself by falling, it maybe wise to secure professional help.

**ADVANTAGES TO
COMPANIES
WHO UTILIZE THE
EMPLOYEE ASSISTANCE
PROGRAM
OF TUCSON:**

- Elimination of unnecessary cost due to losses in human resources (skills and productive capability).
- Solution of difficult personnel problems
- Retention of majority of the work force as satisfactory employees
- Improved public and community relations and attitudes
- Constructive participation in community responsibility
- Cooperation from unions with rehabilitation efforts
- Preventive influence on troubled employees

Crisis Hotline
1-800-247-7700

EAP
OF TUCSON

EMPLOYEE ASSISTANCE PROGRAM

1601 West Ina Road
Tucson, AZ 85704

1150 E. Pennsylvania, Suite 602
Tucson, AZ 85714

325-7347

1601 West Ina Road • Tucson, AZ 85704
1150 E. Pennsylvania, Suite 602 • Tucson, AZ 85714

EAP
OF TUCSON

EAP
OF TUCSON

Employee Assistance Program



EAP OF TUCSON

Employee Assistance Program

325-7347

WHAT IS IT?

Everyone has problems from time to time. Some can be solved alone; others require help.

Sometimes, living in the center of a problem makes it difficult to recognize. Sometimes, it can be seen but it seems there is no help, no way out of it.

That's where your Employee Assistance Program comes in. The EAP provides you with the right kind of help to solve your personal problems. Simply call for an appointment to meet with a counselor to discuss problems relating to:

- marriage
- family
- alcohol
- drugs
- weight control
- depression
- tension
- interpersonal relations
- gambling
- stress
- finances
- job

The EAP is a counseling service for employees and their families who need help with personal problems.

WHY DO THEY CARE?

Every business is composed of the people who operate it. It's simply good business to help employees function at the top performance level.

Personal problems cause absenteeism, tardiness, higher accident rates, poor business relations, faulty decision making and an overall decline in work performance.

It has been proven that helping an employee to help himself is far less costly than firing, rehiring and re-training.

HOW DOES IT WORK?

Employees or members of their families may contact EAP directly. Employees may also be referred by supervisors.

For direct contact with a counselor, call 325-7347. Appointments will be scheduled at your convenience.

If you prefer, ask your supervisor or the personnel department to make the appointment for you.

In a private interview, the EAP counselor will help you determine the nature of your problem, and help you map out a personal program for solving it.

A vast majority of referrals to the EAP are voluntary.

On occasion, supervisors may recommend that an employee seek help through EAP. This is not a cop-out; it's a question of good judgment and good management. Look at it this way — any time you need a specialist (computer, painter, plumber) you get one. Are people worth the same care? Helping a troubled employee also calls for a specialist.

IT'S CONFIDENTIAL

EAP offers constructive, positive help for all employees. Whether you are referred by your boss or seek help on your own, confidentiality will be maintained. Specific details or definition of an employee problem is confidential. Only with an employee's signed consent will any information between counselor and employee be released.

Your employer will not be informed that you are seeking help unless you request it. Your visits to the EAP counselor will not be entered in your record file. The program is totally confidential.

If your problems are interfering with your job performance, your employer may recommend the service to you.

In either event, your employer is concerned about you and encourages your use of the program, when needed.

WHY WAIT?

The longer the wait before help is sought, the more serious the problem becomes. Often a problem can be "nipped in the bud" by seeking help as soon as it begins to effect your sense of well-being, at home or on the job.

Asking for help isn't always easy — until you do it. When that important step is taken, you immediately begin living in the solution instead of living in the problem.

Help is available, your company is providing it for you.

IF YOU WAIT . . .

If you wait too long, your problem becomes a problem to other people — to your family, to your company.

Your supervisors may spot a progressing problem by observing a pattern of poor job performance and may refer you to the Employee Assistance Program.

Sometimes, the person with the problem is the last to know, and this presents the greatest obstacle to getting help.

WHO PAYS?

Your employer pays for the services of the EAP and regards the program as part of your fringe benefits.

There is no charge for the counseling and, if it is determined that additional help is needed, the EAP counselor is well-acquainted with community programs which offer assistance.

This program is one of your benefits. As such, there is no cost to you for initial counseling. EAP will evaluate and assess your concerns and develop with you a plan of action to solve the identified problem(s).

In the event additional outside referral is necessary, your EAP counselor will try to refer you to:

- a. resources covered under your group insurance
- b. free resources in the community
- c. resources based on your ability to pay

The Goal: Best service at least cost to you.

JOB SECURITY

No employee's job security or promotion opportunities will be endangered by a request for assistance. Your company is providing the Employee Assistance Program because they prefer to help valuable employees return to full productivity.



March 22, 1991 meeting
w/Ira Speller (MAC)

Pima County Crisis Center
628-5241
1930 E. Sixth Street (SAMHEC)

Walk-In Hours:
8:00 A.M. - 2:00 A.M.
Every day

Crisis Phone Line: 628-5241
24 hours

The **Crisis Center** is the **prime** place to send students if they are in psychological "crisis." Counselors should 1) get the student's name, phone number, address; 2) phone ahead so the Crisis Center expects the student; 3) send someone with the student if the student cannot get there alone (family member, friend); 4) or call campus police who will act as a taxi if the student wants to go with them; 5) Crisis Center will also make "good guy calls" to the student's home if you are concerned about a student, but he/she is unwilling to go to the Center. Crisis Center is sliding scale fee and even if the student is under the care of another clinic, the Center will see him/her for emergency needs.

MAC Team (Mobile Acute Care Team) 628-5241

- one vehicle for the entire county
- primarily for assistance with severe psychotic, or suicidal situations
- no one under 18 is served by MAC, they are referred to the child and adolescent program at SAMHEC - if weapons are involved or if student is out of control **call Campus Police!**

ELEMENTS OF SEXUAL HARASSMENT

The concept of sexual harassment isn't a new phenomenon in the workplace or academic environment. Historically, victims have been reluctant to discuss incidents of sexual harassment. However, today sexual harassment charges are the most adjudicated of all Title VII issues. There are several factors which account for this development, including: 1) the issue has received greater notoriety recently; 2) the increase in cases found in favor of the victim; and 3) the decreased tolerance of it on the part of both management and the victim.

The sexual harassment of women or men was established as a violation of Title VII of the Civil Rights Act of 1964 and the Civil Service Reform Act of 1978 (see attached EEOC's Guidelines on Sexual Harassment). As in other Title VII issues, the effect rather than the intent of the person's conduct is the basis for determining responsibility. The claim that the harassment was unintentional is disallowed as an employer defense. Similarly, employers are absolutely liable for the actions of their agents or representatives (employees) in cases in which the supervisory chain knew or should have known of the misconduct. An employee is defined as any person receiving monetary compensation for work. Although the most common of sexual harassment charges involves an act of misconduct being perpetrated by a male supervisor against a subordinate female employee, the perpetrator can be a female against male, male against male, or female against female.

What are the elements of sexual harassment? A finding of sexual harassment does not depend on the existence of any one given set of facts. Sexual harassment can occur in a wide variety of circumstances and encompass many variables. Although the most widely recognized fact pattern is that in which a male supervisor sexually harasses a female employee, this form of harassment is not the only one recognized by the EEOC. The Commission's view of sexual harassment includes, but is not limited to, the following considerations:

1. A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser.
2. The harasser does not have to be the victim's supervisor. (S)he may also be an agent of the employer, a supervisory employee who does not supervise the victim, a non-supervisory employee, co-worker, and in some circumstances, a non-employee.
3. The victim does not have to be of the opposite sex from the harasser. Since sexual harassment is a form of sex discrimination, the crucial question is whether the

harasser treats a member or members of the same sex differently from members of the opposite sex. If the victim and the harasser may be of the same sex, for instance, the sexual harassment is based on the victim's sex (not on the victim's sexual preference) and the harasser does not treat employees of the opposite sex the same. Title VII covers charges based on gender but not those based on sexual preference.

4. The victim does not have to be the person to whom the unwelcome sexual conduct is directed. One may also be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one female employee may create an intimidating, hostile, or offensive working environment for another female (or male) co-worker.
5. There is no requirement that the victim complain to the harasser nor report the sexual harassment to his/her supervisor or employer in order for the employer to be held responsible for the misconduct. And while there is, likewise, no requirement that the victim complain to the harasser nor report the sexual harassment where the act is committed by a co-worker or a non-employee, the employer will not be held responsible for the act unless it knew or should have known that the act occurred and failed to take appropriate corrective action.
6. A finding of sexual harassment does not depend on the victim's having suffered economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim nor the discharge of the victim may, nonetheless, constitute sexual harassment where they unreasonably interfere with the victim's work or create a harmful or offensive work environment.

What is an employer's liability for sexual harassment? An employer is responsible for the unlawful conduct of an employee where the employer, its agents, or its supervisory employees knew or should have known of the conduct, unless the employer can show that it took immediate and appropriate corrective action. There is no requirement that the victim report the sexual harassment to his/her supervisor or employer. However, in the context of co-worker sexual harassment or non-employee sexual harassment, the employer's responsibility depends, among other things, on a finding that the employer knew or had reason to know of the unlawful conduct. Therefore, a showing that the conduct was reported is one means of evidencing employer knowledge in such cases. A showing that the conduct was not reported does not automatically preclude a finding that the employer knew or had

reason to know of the sexual harassment.

In accordance with the attached sexual harassment guidelines, an employer will be deemed to know or have reason to know of the sexual harassment if an agent or supervisor of the employer knows or has reason to know. Where the employer, its agents, and its supervisor do not know nor have reason to know of the harassment, then the employer is not liable. Where the employer, its agents, or its supervisory personnel do know or have reason to know of the harassment, then the employer may still not be liable if the employer can show that it took immediate and appropriate corrective action. The EEOC determines on a case-by-case basis what constitutes "reason to know" and "immediate and appropriate corrective action."

In holding an employer liable for co-worker sexual harassment, it is recognized that a co-worker's conduct can have an impact on an employee's ability to successfully perform his/her job. For example, although a co-worker does not have authority to make employment decisions, his/her lack of cooperation may adversely affect a fellow employee's performance and consequently, result in the employer's taking action against the fellow employee. Co-worker sexual harassment can lead to the same result.

An employer may also be responsible for the sexual harassment of an employee by a non-employee. The basic standard applied is similar to that in defining an employer's responsibility for co-worker sexual harassment. The employer may be responsible where the employer, or its agents, or its supervisory employees knew or should have known of the unlawful conduct and the employer failed to take immediate and appropriate corrective action. However, the difference between the two is that an employer is liable for co-worker sexual harassment if the two conditions (knowledge and failure to take remedial action) are met. An employer is potentially liable for non-employee sexual harassment in the same circumstances, but actual liability depends upon an additional factor: failure to take immediate and appropriate corrective action within its control.

What can be done to prevent sexual harassment? The challenge toward preventing sexual harassment is a collective responsibility that touches upon every segment of Pima College's population. Administrators, department heads, deans, faculty and students should meet the challenge and act together to eradicate sexual harassment and the problems it causes. The following are examples of advice that have been offered to faculty and students.

STUDENTS

--Students, especially females, must learn to interpret and assess their relationship with faculty members.

--The student must learn about sexual harassment by attending workshops, seminars, and public lectures that foster a better understanding of sexual harassment, and become familiar with the informal and formal support systems within the College, especially those College officials assigned the responsibility for counseling, reviewing, investigating and adjudicating complaints of sexual harassment.

--Students subjected to sexual harassment should not ignore the problem in hope that it will disappear. The student should make clear to the harasser his/her discomfort and objection to the harassment.

--If a student is being sexually harassed, s/he should contact the appropriate College official(s) immediately, keep dated records of specific offenses, and/or any attempts to resolve the matter.

--Students should understand the responsibilities and consequences of having personal and/or sexual relationships with instructors, even if sexual harassment is not the initial motive or intent.

--Students should avoid inauspicious situations whereby the stated purpose is academic, although the environment is purely social, and avoid picking up assignments or grades outside the specified time and location for the entire class (e.g., bars, restaurants, homes, hotels, etc.).

FACULTY

--To limit the margin of vulnerability and potential allegations of sexual harassment, faculty members should recognize their role and responsibility as positive role models, as well as educators.

--Faculty members should refrain from making reference to a student's physical appearance. Male faculty members usually do not compliment male students on their bodies or clothing; thus there is no reason to do so with female students.

--Faculty members should avoid any form of physical conduct with students that may be suspect or inappropriate.

--Avoid contacting a student outside the classroom and setting up student-teacher conferences in inappropriate settings (e.g. bars, restaurants, homes, hotels, etc.).

--Faculty members should refrain from sexist and sexually oriented remarks, comments and jokes.

--Faculty members should be willing to recognize and acknowledge the fact that sexual harassment by definition does exist.

CONCLUSION

The employer has only three defenses against sexual harassment: 1) it did not happen; 2) when discovered, prompt action was taken; and 3) it was not known about and the employer did not find out about it.

The courts are full of cases involving organizations who chose to ignore sexual harassment as a serious issue, or who were unaware of their liability. Recent legal decisions include: Flower vs. K-Mart Corporation - \$800,000 awarded to plaintiff plus additional \$2.5 million civil penalties against the corporation; Kyriazi vs. Western Electric - \$1,500 punitive damages were ordered to be paid by the individual supervisor and each individual accused of harassing the plaintiff - the final settlement cost the company several million dollars; and Breuer vs. City of Spokane, WA - \$195,000 awarded in settlement to police officer harassed by fellow officers. William S. Gaither, president of Drexel University (PA) has resigned his position following six months of controversy that erupted when he was accused of sexually harassing a Drexel employee on a business trip.

Sexual harassment is often an exhibition of power. For example, faculty involved in the most serious incidents on university campuses are those with the highest degree of control over the academic careers of those complaining of harassment. What is also important to remember is that what may appear as sexual harassment to one culture may not to another. Cultural sensitivity thus becomes an increasingly important issue in the workplace.

In total, sexual harassment is a complex issue. It is understandably difficult for individuals to accept responsibility for the actions of others - or even for their own actions - if they do not understand the issue. Accepting responsibility for sexual harassment involves two major elements: 1) recognizing one's responsibility as a representative of the organization to deal with sexual harassment according to the policy and procedures of the organization; and 2) recognizing one's personal responsibility as an individual to comply with the laws against discrimination in the workplace.

AA Office
4/88

§ 81,422 Guidelines on Sexual Harassment (29 CFR, Part 1604).—

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1604

Discrimination Because of Sex Under Title VII of the Civil Rights Act of 1964, as Amended; Adoption of Final Interpretive Guidelines

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final Amendment to Guidelines on Discrimination Because of Sex.

SUMMARY: On April 11, 1980, the Equal Employment Opportunity Commission published the Interim Guidelines on sexual harassment as an amendment to the Guidelines on Discrimination Because of Sex, 29 CFR Part 1604.11, 45 FR 25024. This amendment will re-affirm that sexual harassment is an unlawful employment practice. The EEOC received public comments for 60 days subsequent to the date of publication of the Interim Guidelines. As a result of the comments and the analysis of them, these Final Guidelines were drafted.

EFFECTIVE DATE: November 10, 1980.

FOR FURTHER INFORMATION CONTACT: Karen Danart, Acting Director, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506. (202) 634-7060.

SUPPLEMENTARY INFORMATION: During the 60-day public comment period which ended on June 10, 1980, the Commission received over 160 letters regarding the Guidelines on sexual harassment. These comments came from all sectors of the public, including employers, private individuals, women's groups, and local, state, and federal government agencies.

The greatest number of comments, including many from employers, were those commending the Commission for publishing guidelines on the issue of sexual harassment, as well as for the content of the guidelines.

The second highest number of comments specifically referred to § 1604.11(c) which defines employer liability with respect to acts of supervisors and agents. Many commentators, especially employers, expressed the view that the liability of employers under this section is too broad and unsupported by case law. However, the strict liability imposed in § 1604.11(c) is in keeping with the general standard of employer liability with respect to agents and supervisory employees. Similarly, the Commission and the courts have held for years that an employer is liable if a supervisor or an agent violates the Title VII, regardless of knowledge or any other

mitigating factor. *Anderson v. Methodist Evangelical Hospital, Inc.*, — F Supp. —, 3 EPD ¶8282 (D.C. Ky. 1971), *aff'd* 464 F.2d 723, 4 EPD ¶7901 (8th Cir. 1972); Commission Decision No. 71-969, CCH EEOC Decisions (1973) ¶6193; Commission Decision No. 71-1442, CCH EEOC Decisions (1973) ¶6216.

Furthermore, a recent 9th Circuit case on sexual harassment imposed strict liability on the employer where a supervisor harassed an employee without the knowledge of the employer. *Miller v. Bank of America*, 600 F.2d 211, 20 EPD ¶30,086 (9th Cir. 1979). In keeping with this standard, the Commission, after full consideration of the comments and the accompanying concerns, will let § 1604.11(c) stand as it is now worded.

A number of people asked the Commission to clarify the use of the term "agent" in § 1604.11(c). "Agent" is used in the same way here as it is used in § 701(b) of Title VII where "agent" is included in the definition of "employer."

A large number of comments referred to § 1604.11(a) in which the Commission defines sexual harassment. These comments generally suggested that the section is too vague and needs more clarification. More specifically, the comments referred to subsection (3) of § 1604.11(a) as presenting the most troublesome definition of what constitutes sexual harassment. The Commission has considered these comments and has decided that subsection (3) is a necessary part of the definition of sexual harassment. The courts have found sexual harassment both in cases where there is concrete economic detriment to the plaintiff. *Heelan v. Johns-Manville Corp.*, 451 F.Supp. 1382, 16 EPD ¶8330 (D. Colo. 1978); *Barnes v. Castle*, 561 F.2d 983, 14 EPD ¶7755 (D.C. Cir. 1977); *Garber v. Saxon Business Products*, 552 F.2d 1032, 14 EPD ¶7587 (4th Cir. 1977), and where unlawful conduct results in creating an unproductive or an offensive working atmosphere. *Kyriazi v. Western Electric Co.*, 461 F.Supp. 894, 16 EPD ¶8700 (D.N.J. 1978). For analogous cases with respect to racial harassment see *Rogers v. EEOC*, 454 F.2d 234, 4 EPD ¶7597 (5th Cir. 1971); *EEOC v. Murphy Motor Freight Lines, Inc.*, 468 F.Supp. 381, 22 EPD ¶30,888 (D.C. Mn. 1980).

The word "substantially" in § 1604.11(a)(3) has been changed to "unreasonably." Many commentators raised questions as to the meaning of the word "substantially." The word "unreasonably" more accurately states the intent of the Commission and was therefore substituted to clarify that intent.

It should be emphasized that the appropriate course for further

clarification and guidance on the meaning of § 1604.11(a)(3) is through future Commission decisions which will deal with specific fact situations. Since sexual harassment allegations are reviewed on a case-by-case basis, any further questions will be answered through Commission decisions which will be fact specific.

A fair number of comments were received on § 1604.11(d) which defined employer liability with respect to acts of persons other than supervisors or agents. Again, as in § 1604.11(c), the traditional Title VII concept prevails regarding employer liability with respect to those people other than agents and supervisory employees. Many commentators asked the Commission to clarify the meaning of "others." As a result, § 1604.11(d) has been separated into two subsections. The new § 1604.11(d) refers to sexual harassment among fellow employees and the liability of an employer in such a situation.

The new § 1604.11(e) refers to the possible liability of employers for acts of non-employees towards employees. Such liability will be determined on a case-by-case basis, taking all facts into consideration, including whether the employer knew or should have known of the conduct, the extent of the employer's control and other legal responsibility with respect to such individuals.

A number of people also raised the question of what an "appropriate action" might be under § 1604.11(d). What is considered to be "appropriate" will be seen in the context of specific cases through Commission decisions.

Section 1604.11(e) of the Interim Guidelines, which sets out suggestions for programs to be developed by employers to prevent sexual harassment, now becomes § 1604.11(f). The Commission has received many comments which state that this section is not specific enough. The Commission has decided that the provisions of this section should illustrate several kinds of action which might be appropriate, depending on the employer's circumstances. The emphasis is on preventing sexual harassment, and § 1604.11(f) intends only to offer illustrative suggestions with respect to possible components of a prevention program. Since each workplace requires its own individualized program to prevent sexual harassment, the specific steps to be included in the program should be developed by each employer.

Several commentators raised the question of whether a third party who was denied an employment benefit would have a charge cognizable under Title VII where the benefit was received

by a person who was granting sexual favors to their mutual supervisor. Even though the Commission does not consider this to be an issue of sexual harassment in the strict sense, the Commission does recognize it as a related issue which would be governed by general Title VII principles. Subsection (g) has been added to recognize this as a Title VII issue.

After carefully considering the numerous comments it received, the EEOC made the above changes to the Interim Guidelines and, at its meeting of September 23, 1980, adopted them as the Final Guidelines on sexual harassment, subject to formal interagency coordination. Formal interagency coordination has been completed, and none of the affected agencies had additional comments. Therefore, these Guidelines become final as adopted at the Commission meeting of September 23, 1980.

Signed at Washington, D.C., this 3rd day of November 1980.

Eleanor Holmes Norton,

Chair, Equal Employment Opportunity Commission.

Accordingly, 29 CFR Chapter XIV, Part 1604 is amended by adding § 1604.11 to read as follows:

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

§ 1604.11 Sexual harassment.

(a) Harassment on the basis of sex is a violation of Sec. 703 of Title VII.¹ Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

(c) Applying general Title VII principles, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment, regardless of whether the specific acts complained of were authorized or even forbidden by the employer and regardless of whether the employer knew or should have known of their occurrence. The Commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

(e) An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

(f) Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.

(g) Other related practices: Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

(Title VII, Pub. L. 93-112, 89 Stat. 1141, 42 U.S.C. 2000e et seq.)

[45 F.R. 74676, 11-10-80]

¹ The principles involved here continue to apply to race, color, religion or national origin.

MYTHS

- People who talk about suicide rarely commit suicide. _____
- The suicidal person really wants to die. _____
- There is no correlation between alcoholism and suicide. _____
- Once someone attempts suicide they will always be suicidal. _____
- Asking directly about suicide could encourage an attempt. _____
- A person who tries to kill him/herself is crazy. _____

FACTS

- Talk of suicide may be a clue or warning. Take threats seriously.
- Most suicidal people are ambivalent and want help.
- A person who commits suicide is often also an alcoholic.
- New ways of coping with stress can be learned.
- Asking directly can minimize anxiety and act as a deterrent.
- An attempter is often upset or depressed but not mentally ill.

STAGES OF SUICIDE

BEHAVIORAL CLUES	STRESSFUL EVENTS	SUICIDAL THOUGHTS	SUICIDAL PLAN	SUICIDAL ACTION	AFTER AN ATTEMPT
	A series of upsetting situations may lead persons to considering suicide. These situations may include things such as: • Loss of job • Breakup of a relationship • Death of a loved one • Rape or assault • Illness • Other significant changes in lifestyle	Sometimes these thoughts may be expressed silently through behaviors such as alcohol or drug abuse, depression or sadness. Sometimes they are expressed in words like: • "No one understands" • "You'd be better off without me" • "There's no hope; it'll always be this way"	Look for unexpected changes in behavior or disruption in sleeping or eating patterns. The person may also begin getting ready by: • Buying a gun • Collecting pills • Giving away valued possessions • Making or changing a will • Saying "goodbyes"	Persons who up until now have been agitated and upset often appear unusually calm or emotionally withdrawn just before a suicide attempt. Plans may be acted out by: • Driving recklessly • Going off to be alone • Taking dangerous chances	The first three months after a suicide attempt is a critical period of adjustment. People often feel embarrassed, ashamed or angry, and they may be gathering strength for another attempt. They may view their unsuccessful suicide attempt as just another personal failure.
WHAT YOU CAN DO	• Encourage them to talk about feelings. • Be willing to listen without passing judgement. • Suggest finding supportive help that will offer new ways of coping with stress. • Encourage them to call the local <i>Suicide Prevention</i> center and speak with a counselor.	• Recommend that they get help for specific issues of concern. • Encourage them to reduce stress through physical exercise, eating regularly, getting adequate sleep and avoiding coffee and alcohol. • Don't be afraid to ask, "Are you thinking about suicide?" • Call the <i>Suicide Prevention</i> center to discuss your concerns.	• Strongly encourage them to seek professional help. • Ask directly about suicidal feelings and find out about specific plans. • Take away pills or guns. • Help them to see other alternatives. • Get them to agree not to attempt without first consulting a professional counselor.	• This is a <i>Life and Death</i> situation. Take whatever action is necessary to save a life. • Contact the police, sheriff or <i>Suicide Prevention</i> center. • Let the person know you are worried and that you care. • Enlist the help of family members and close friends.	• Be honest and open about your concerns. • Let them know that their survival matters and that you have confidence in their ability to work things out. • Encourage them to get professional help to find better ways of dealing with crisis.

WHERE TO GET HELP:

HELP ON CALL CRISIS LINE
(24 hour Suicide/Crisis Counseling)
323-9373

VICTIM-WITNESS ADVOCATES
(Mobile Crisis Unit and Mediation)
792-8749

SOUTHERN ARIZONA MENTAL
HEALTH CENTER
628-5241

LA FRONTERA CLINIC
884-9920

FAMILY COUNSELING AGENCY
327-4583

EASTSIDE COUNSELING CENTER
327-9401

OUR TOWN FAMILY CENTER
(Mobile Crisis Unit)
323-1706

PALO VERDE URGENT CARE CENTER
795-4357

PREPARED BY:
HELP ON CALL CRISIS LINE



Assessing the Stages of Suicide

PHILOSOPHY

Suicide is a permanent solution to a temporary problem. Most suicides are preventable if we know what signs to look for, how to respond, and where to turn for additional professional help.

GOAL

This pamphlet contains basic information to help friends and family identify the stages of suicide, know what action can be taken, who else can help, and to encourage the suicidal person to see that there are alternatives to suicide.

Contents

- Myths and Facts
- Stages of Suicide
- What you can do
- Community Resources

The Danger Signals of Suicide:

- A Previous Attempt
- A Suicide Threat
- Making Final Arrangements
- Changes In Behavior
- Depression
- Alcohol and Drug Abuse

PART X APPENDIX

Appendix A Not Included

in copy received by ERIC.

APPENDIX B

TO: June Webb-Vignery
FROM: Ronald J. Stolkin
RE: Privileged Communications for "Counselors"
DATE: 6/27/88

Question:

Whether or not a PCC "counselor" who receives information from a student concerning sexual harassment may reveal that information to appropriate college authorities for investigation when the student has specifically requested confidentiality.

Answer: See discussion below.

Discussion:

Before responding to your specific inquiry, two points must be clarified. First, you stated that, "Confidentiality governs conversations between students and counselors." That statement is not necessarily true. Second, this opinion regarding confidential communications extends beyond just sexual harassment complaints.

The question of whether or not communications are privileged (confidential) is a question of the law. Well recognized privileges exist for the attorney/client relationship and the physician/patient relationship. But there is not privilege for communications between an individual and a "counselor". For purposes of this opinion, therefore, I will assume that you are defining a "counselor" as a psychologist.

A.R.S. 32-2085 provides that a properly certified psychologist may not divulge information which he has received through the confidential nature of his practice as a psychologist. The key to this privilege, however, is whether the psychologist is certified.

In order to be certified as a psychologist, a person must:

1. Submit evidence verified by oath and satisfactory to the Board of Psychologist Examiners that he:
 - a. Is of good moral character.
 - b. Has received the doctorate degree based on a program of studies, the content of which was primarily
psychological, obtained from an educational institution having a graduate program which...

- (i) ...is approved at the appropriate degree level by a nationally recognized psychological association or accredited at the appropriate degree level by a regional accrediting agency.
2. Pay the fee for an original application.
3. Pass an examination in psychological preparation. See A.R.S. 32-2071.

There are two exceptions to the certification rules, which might be applicable to psychologists at PCC. First, A.R.S. 32-2072(E) allows an employee of an institution of higher education to use the title and perform the activities and services of a psychologist as long as he becomes certified within one year after becoming employed.

The second exception is set forth in A.R.S. 32-2083(A)(1); but it does not allow a person to diagnose, treat and correct human conditions ordinarily within the scope of the practice of a psychologist. It only allows an employee of an institution of higher education, who has received a doctorate degree based a program of studies (the content of which was primarily psychological), to use the title in conjunction with activities and services including lecturing to the public based upon his academic or research activities, but not including the clinical practice of a psychologist.

In other words, unless our "counselors" are properly certified psychologists, the communications they receive from students (or other employees) are not privileged communications, i.e., not confidential. This principle was confirmed by the Arizona Supreme Court in State v. Howland, 134 Ariz. 541, 658 P.2d 194 (1982). In this case, the Defendant made statements to an individual who had only a masters degree in psychology. He was not certified as a psychologist pursuant to A.R.S. 32-2071. Therefore, the Court held that,

"in order to be certified under this chapter, the psychologist must, inter alia, have a doctorate degree. Sincere Wetmore did not have a doctorate degree, communications made by appellant to Wetmore were not confidential."

Therefore, if the "counselor" who received a complaint about sexual harassment was not properly certified as a psychologist, that counselor is free to report the problem to appropriate college authorities, inasmuch as the communications were not privileged. But what about the situation where the "counselor" is a certified psychologist and receives a complaint of sexual harassment from a student or employee? Are those communications automatically confidential?

The fact that a certified psychologist happens to receive information concerning sexual harassment does not automatically make that information confidential. Whether a psychologist/client relationship exists is a question of fact dependent upon a variety of factors. Among these factors are the following considerations:

1. The terms of the employment contract between the PCC psychologist and PCCCD, which establish the psychologist's scope of duties with respect to students and/or employees;
2. The perception of both the psychologists and the student or employee as to whether a client relationship exists;
3. The circumstances surrounding the particular communication. See Attorney General Opinion I80-236 (12/31/80).

The fact that a student mentions to a certified psychologist that he or she has been the victim of sexual harassment does not automatically mean that a psychologist/patient relationship exists. If the student is seeking the professional services of the counselor with respect to the sexual harassment, then it is likely that the communication is privileged. If, on the other hand, the student or employee is reporting the matter to someone with whom they can communicate, but not necessarily for the purpose of receiving the professional services of the psychologist, then it is possible that the communication is not privileged. As I stated earlier, whether or not the privileged relationship exists is a question of fact to be determined on a case by case basis.

There are two other considerations which might be relevant to your inquiry. First, both state law (A.R.S. 15-141) and federal law (20 U.S.C. 1232(g), also known as the Buckley Amendment) prohibit PCC from releasing or divulging educational records for other information relating to students. There is, however, no prohibition against relating this information to other school officials, including teachers, within the educational institution or local educational agency or institution who had been determined by such agency or institution to have legitimate educational interests. (See 20 U.S.C. 1232 (g) (b) (1) (A)).

Therefore, if a counselor who is not a certified psychologist receives information about sexual harassment he, of course, may report it to appropriate college officials. If a certified psychologist receives the same information within a formal psychologist/patient relationship, he cannot reveal that information; but if the information comes to him outside of a psychologist/patient relationship, he may pass the information on to appropriate college administrators. (Obviously these considerations concerning the Buckley Amendment are not applicable if the complainant is an employee.)

The final consideration concerns sexual harassment complaints made by persons who are under the age of 18 years. If the sexual

harassment is of a physical nature, any "counselor", including a certified psychologist, must report the physical injury or molestation to a peace officer or to the protective services of the Department of Economic Security. (See A.R.S. 13-3620.)

kma

cc Diego Navarrette
Carol Gorsuch
Fred Montes

APPENDIX B

MEMO

TO: June Webb-Vignery
FROM: Ronald J. Stolkin
RE: Privileged Communications for "Counselors"
DATE: 6/27/88

Question: Whether or not a PCC "counselor" who receives information from a student concerning sexual harassment may reveal that information to appropriate college authorities for investigation when the student has specifically requested confidentiality.

Answer: See discussion below.

Discussion:

Before responding to your specific inquiry, two points must be clarified. First, you stated that, "Confidentiality governs conversations between students and counselors." That statement is not necessarily true. Second, this opinion regarding confidential communications extends beyond just sexual harassment complaints.

The question of whether or not communications are privileged (confidential) is a question of the law. Well recognized

privileges exists for the attorney/client relationship and the physician/patient relationship. But there is not privilege for communications between an individual and a "counselor". For purposes of this opinion, therefore, I will assume that you are defining a "counselor" as a psychologist.

A.R.S. 32-2085 provides that a properly certified psychologist may not divulge information which he has received through the confidential nature of his practice as a psychologist. The key to this privilege, however, is whether the psychologist is certified.

In order to be certified as a psychologist, a person must:

1. Submit evidence verified by oath and satisfactory to the Board of Psychologist Examiners that he:
 - a. Is of good moral character.
 - b. Has received the doctorate degree based on a program of studies, the content of which was primarily

psychological, obtained from an educational institution having a graduate program which...

- (i) ...is approved at the appropriate degree level by a nationally recognized psychological association or accredited at the appropriate degree level by a regional accrediting agency.

- 2. Pay the fee for an original application.
- 3. Pass an examination in psychological preparation. See A.R.S. 32-2071.

There are two exceptions to the certification rules, which might be applicable to psychologists at PCC. First, A.R.S. 32-2072(E) allows an employee of an institution of higher education to use the title and perform the activities and services of a psychologist as long as he becomes certified within one year after becoming employed.

The second exception is set forth in A.R.S. 32-2083(A)(1); but it does not allow a person to diagnose, treat and correct human conditions ordinarily within the scope of the practice of a psychologist. It only allows an employee of an institution of

higher education, who has received a doctorate degree based a program of studies (the content of which was primarily psychological), to use the title in conjunction with activities and services including lecturing to the public based upon his academic or research activities, but not including the clinical practice of a psychologist.

In other words, unless our "counselors" are properly certified psychologists, the communications they receive from students (or other employees) are not privileged communications, i.e., not confidential. This principle was confirmed by the Arizona Supreme Court in State v. Howland, 134 Ariz. 541, 658 P.2d 194 (1982). In this case, the Defendant made statements to an individual who had only a masters degree in psychology. He was not certified as a psychologist pursuant to A.R.S. 32-2071. Therefore, the Court held that,

"in order to be certified under this chapter, the psychologist must, inter alia, have a doctorate degree. Since Wetmore did not have a doctorate degree, communications made by appellant to Wetmore were not confidential."

Therefore, if the "counselor" who received a complaint about

sexual harassment was not properly certified as a psychologist, that counselor is free to report the problem to appropriate college authorities, inasmuch as the communications were not privileged. But what about the situation where the "counselor" is a certified psychologist and receives a complaint of sexual harassment from a student or employee? Are those communications automatically confidential?

The fact that a certified psychologist happens to receive information concerning sexual harassment does not automatically make that information confidential. Whether a psychologist/client relationship exists is a question of fact dependent upon a variety of factors. Among these factors are the following considerations:

1. The terms of the employment contract between the PCC psychologist and PCCCD, which establish the psychologist's scope of duties with respect to students and/or employees;
2. The perception of both the psychologists and the student or employee as to whether a client relationship exists;
3. The circumstances surrounding the particular communication.
See Attorney General Opinion I80-236 (12/31/80).

The fact that a student mentions to a certified psychologist that

he or she has been the victim of sexual harassment does not automatically mean that a psychologist/patient relationship exists. If the student is seeking the professional services of the counselor with respect to the sexual harassment, then it is likely that the communication is privileged. If, on the other hand, the student or employee is reporting the matter to someone with whom they can communicate, but not necessarily for the purpose of receiving the professional services of the psychologist, then it is possible that the communication is not privileged. As I stated earlier, whether or not the privileged relationship exists is a question of fact to be determined on a case by case basis.

There are two other considerations which might be relevant to your inquiry. First, both state law (A.R.S. 15-141) and federal law (20 U.S.C. 1232(g), also known as the Buckley Amendment) prohibit PCC from releasing or divulging educational records for other information relating to students. There is, however, no prohibition against relating this information to other school officials, including teachers, within the educational institution or local educational agency or institution who had been determined by such agency or institution to have legitimate educational interests. (See 20 U.S.C. 1232 (g)(b)(1)(A)).

Memo to June Webb-Vignery
Privileged Communications for "Counselors"
Page 4

Therefore, if a counselor who is not a certified psychologist receives information about sexual harassment he, of course, may report it to appropriate college officials. If a certified psychologist receives the same information within a formal psychologist/patient relationship, he cannot reveal that information; but if the information comes to him outside of a psychologist/patient relationship, he may pass the information on to appropriate college administrators. (Obviously these considerations concerning the Buckley Amendment are not applicable if the complainant is an employee.)

The final consideration concerns sexual harassment complaints made by persons who are under the age of 18 years. If the sexual harassment is of a physical nature, any "counselor", including a certified psychologist, must report the physical injury or molestation to a peace officer or to the protective services of the Department of Economic Security. (See A.R.S. 13-3620.)

kma

cc Diego Navarrette
Carol Gorsuch
Fred Montes

APPENDIX C

REFERENCES

- American Association for Counseling and Development (1981).
- Ethical Standards, Alexandria, VA: Author (Originally published by the American Personnel and Guidance Association)
- Arizona Association of Community Colleges Student Personnel Services Manual, 1977.
- Atthowe, J. (1975). Legal and ethical accountability in everyday practice. Behavioral Engineering, 3(2), 35-38.
- Beis, E. (1984) Mental health and the law, Rockville MD: Aspen
- Black, D. and Gilson, M. (1988) Perspectives and Principles: A college Administrative guide to staying out of court. Madison WI, Magna.
- Blocher, D. (1987) The Professional Counselor, New York, Macmillan.
- Glass, L. (1984). The medical record: Shield or sword of Damocles? Alaska Medicine, 26(2), 2, 48.
- Greenlaw, J. (1982) Documentation of Patient Care: An often underestimated Responsibility. Law, medicine, and Health Care, 10, 172-174.
- Information and Referral: Help on Call; Evaluation and intervention with the potentially homicidal client; telephone crisis intervention with the seriously disturbed or psychotic caller.
- Schutz, B. (1982). Legal liability in psychotherapy. San Francisco: Jossey-Bass
- Snider, P. (1987) Case records: Inexpensive liability protection for mental health counselors. Journal of Mental health Counseling, 9, 134-141.
- Silver, P. (1987) Case records: A reflective practice approach to Administrator Development, Theory and practice, 26, 459-460.
- What Counselors at Mesa Community College do. (Excerpt from a report).
- University of Arizona; Faculty and Staff Guide Student Counseling Service.

A Summary Of The
STUDENT CODE OF CONDUCT
And The Student
COMPLAINT PROCEDURE

1991/92
Pima County Community College District
Tucson, Arizona

Compiled by:
Gus Chavez
Barbara Cortez
Michael Engle
Barbara Gans
Elizabeth Gonzalez
Fred Montes
Doris Williams
Jeff Hockaday, Chancellor

*This Summary of the Pima County Community College District (PCCCD)
Code of Conduct is intended to inform students of due process procedures,
prohibited conduct and penalties for violations of this code.
Complete copies of the PCCCD Student Code of Conduct and the Student Complaint Procedure
may be obtained at any campus or center.*

Table of Contents

Student Code of Conduct Summary	<i>Page</i>
A. General Conduct Regulations	3
B. Procedures In Case Of Alleged Violations	4
C. Penalties	5
 Student Complaint Procedure Summary	
A. Procedures	7
B. Appeal Procedure	7
C. Final Appeal	7
D. Complaint Resolution	8
E. Due Process Guidelines	8

Student Code of Conduct Summary

A. General Conduct Regulations

The regulations given below are intended to govern the conduct of students and all members of the public while on college property. Students enrolled in the college assume the obligations of conducting themselves in accordance with these regulations:

1. Disruptive Activities

Students and visitors must not engage in any individual or group activity which disrupts the scheduled activities or processes of education. The following are examples of such disruptive activities: (This list is not intended as a complete list of all prohibited, disruptive activities.)

- a. Disrupting the orderly conduct of classroom or formal learning activities.
- b. Inciting others to violence and/or participating in violent behavior.
- c. Disrupting the orderly conduct of college meetings, activities, and functions.
- d. Blocking or impeding access to any facility at the college.
- e. Conducting any activity which causes college personnel to be drawn away from their scheduled duties.
- f. Harassment of other students or employees in a manner which interferes with or otherwise impedes their learning or job performance.
- g. A-F above for "off-campus" activities sponsored by the college.

2. Soliciting

Approval must be obtained from the Deans of Student Affairs or the Dean's designee at the relevant campus/center for any type of soliciting (i.e., request for donations or signatures) which involves the college student body, college employees or visitors.

3. Posting and Distributing Information

To post or distribute information of any kind within the premises of the College District, approval must be obtained from the Deans of Student Affairs or his/her designee at the relevant campus/center.

4. Public Gatherings

Rallies, demonstrations, speeches, or other public gatherings may not be held on college property without prior approval. The individual or group holding the public gathering should request approval from the Dean of Student Affairs or his/her designee of the relevant campus/center for the gathering at least 24 hours in advance.

5. Sale of Merchandise

Merchandise may be sold on college property by a student or a student organization only if prior approval has been obtained from the Dean of Student Affairs at the relevant campus/center and the sale is part of an approved student activity.

6. Alcohol, Narcotics and Controlled Substances

- a. The use, purchase, or sale of intoxicating beverages is prohibited on all college property or off-campus premises at a college-sponsored function.
- b. Students may not possess, use, transmit, or attempt to possess, use, or transmit or be under the influence of any narcotic or controlled substance on campus or off-campus premises at a college sponsored function.

Prescriptions authorized by a Licensed Physician are excluded.

7. Gambling

Gambling of any kind on college property is forbidden.

8. Firearms, Explosives and Weapons

The unlawful possession, distribution, sale and/or use of any firearms, explosives and weapons on college property or at college-sponsored events is forbidden. The possession of non concealed weapons is lawful in the state of Arizona, but such weapons must be checked with campus police before individuals pursue activities on campuses/centers of Pima Community College.

9. Identification Cards

Students should carry their student ID cards at all times while on college property. ID cards may be needed for various services and events, including but not necessarily limited to the following: library, student center facilities, testing rooms, computer labs, campus elections, and athletic contests. Possession, use, or knowingly creating false ID cards is in violation of this code. College employees have the right to request verification by requesting a second form of identification.

10. Smoking

Smoking is permitted only in designated areas.

11. Theft or Destruction of Property

The theft or the willful destruction of any property, real or personal, belonging to the college, a member of the college, or a college visitor is forbidden.

12. Forgery/Misrepresentation

The forgery, alteration or misuse of college documents, records or identification, or knowingly furnishing false information to the college is forbidden.

13. Illegal Entry

The unauthorized entry, use, or misuse of college property is prohibited.

14. Directions of College Officials

Students are required to comply with the directions of college officials acting in the performance of their official duties.

15. Fire Safety

Starting a fire and the misuse of fire safety equipment or alarms is prohibited.

16. Computer Misuse

Use of computers for unauthorized purposes is prohibited. Also breach of security codes, depriving others of access, or deliberate destruction of programs, records, or data of the college or any other use is a violation of this code.

B. Procedures in Case of Alleged Violations of General Conduct Regulations

The procedures listed below are general due process guidelines for handling alleged student violations of the general conduct regulations. These procedures have been created in response to the requirements of state law as set forth in Arizona Revised Statutes, Section 13-2911C. Appropriate college personnel will first consult with the student to resolve problems. If such informal procedures fail to bring about a solution acceptable to the college and the student, then the following procedures will be followed:

1. Notice of Alleged Violation

An allegation of a violation of the General Conduct Regulations will be lodged with the Dean of Student Affairs by an informal written memorandum which includes the reason(s) in support of the allegation except in cases where the student's behavior results in a recommendation to the Provost for immediate suspension.

2. Notice to the Student

The Dean of Student Affairs will notify the accused student in writing of the violation. The student may select

an advocate to help him/her understand this process. The student must contact the Dean of Student Affairs within seven (7) working days or a penalty may be levied.

3. Meeting with the Dean of Student Affairs

- a. The accused student will meet with the Dean of Student Affairs. At this meeting the charging party and the student will present facts relating to the issue.
- b. The Dean of Student Affairs will review the facts, make a decision and affix a penalty, if necessary.
- c. The accused student may appeal penalties of suspension or withholding a transcript or degree.

4. Appeal to the Student Conduct Review Committee (SCRC)

The student may appeal the Dean of Student Affairs' decision by presenting to the Dean of Student Affairs a written and signed notice stating the basis for the appeal. The notice must be filed within five (5) working days of the student's receipt of the decision of the Dean of Student Affairs. Failure to file a timely appeal constitutes acceptance of the decision. The Dean of Student Affairs shall notify the student of the time and place for the meeting with the SCRC. The notification of hearing will be delivered to the student at least ten (10) working days prior to the hearing. This ten (10) day notification may be waived by mutual agreement of both parties, if the student wishes to expedite the hearing.

5. Hearing Before the Student Conduct Review Committee

The campus Dean of Student Affairs will convene the Student Conduct Review Committee (SCRC) and provide instructions on procedures to the committee. The SCRC selected by the Dean of Student Affairs should consist of two students, two faculty members and a fifth person acceptable to the other four. At the hearing of the SCRC, the SCRC may make the following recommendation(s):

- (a) That the penalty imposed by the Dean of Student Affairs be upheld;
- (b) That the penalty imposed by the Dean of Student Affairs be changed and a harsher penalty be imposed; or
- (c) That no penalty at all should be imposed.
- (d) The SCRC may also make other recommendations relating to resolution of this matter.

In any event, the Provost, within five (5) working days shall provide the student written notice of his/her final decision and a copy to the appropriate Dean of Student Affairs and the charging party. If the penalty is withholding of the transcript or degree, suspension or expulsion, the student may appeal to the governing board. If the student initiates an appeal of suspension or expulsion he/she may not continue in his/her program until the governing board renders its decision.

6. Appeal to the Governing Board

The student may appeal his/her case to the governing board only when the Provost recommends withholding of the transcript or degree suspension or expulsion. The appeal must be filed in writing through the college Chancellor's office within five (5) working days after the student receives the Provost's decision. The board of governors, within thirty (30) calendar days after the receipt of the written request for appeal, may review the case and render a written decision to the student. Should no action or notification to the student by the governing board or its designee take place within thirty (30) calendar days, the decision of the Provost is final.

C. Penalties

Students found guilty of violating this Code may have any one or a combination of the following penalties imposed on them.

1. Restitution

The student must pay for damage to property or for loss of property. This may take the form of appropriate service to repair damage(s) or otherwise compensate for it.

2. Reprimand

The reprimanded student contracts to behave in certain ways for a specific length of time up to one (1) calendar year. (This penalty indicates that further violations of regulations may result in more severe disciplinary action.)

3. Probation

A student under probation will be barred from participation in certain activities such as honorary societies or inter-collegiate athletics. This penalty indicates that further violations may result in more severe disciplinary action.

4. Exclusion

The student is prohibited during the period of exclusion from registering at the college or from being initiated into an honorary or service organization of the college and the student may also be prohibited from entering college property or receiving copies of his/her transcript. (This includes all Pima County Community College campuses, centers and sites.)

5. Withholding of Transcript or Degree

The student cannot obtain a copy of his/her transcript or receive his/her degree for a specific length of time if a disciplinary case is pending.

6. Suspension

The student who has been excluded from the college by a Provost for having committed a serious violation of this Code may be suspended. Students who are suspended are under the same stipulations as students who are excluded.

7. Expulsion

Students who violate the Code of Conduct may be expelled after proper proceedings by a Provost. Expulsion prevents any further participation in any capacity at the college.

The college reserves the right to take legal action when such action is deemed appropriate by the college attorney and more than one penalty may be issued for a violation of the Code of Conduct.

Student Complaint Procedure Summary

A. Procedures

1. The student who feels his/her rights have been violated should meet with the person against whom he/she has the complaint and try to resolve the conflict, if feasible. Student should bring any relevant materials to this meeting. (Note: Students should realize that resolving conflicts may be a common occurrence and that they may have to develop skills to assertively call attention to inappropriate behavior directed towards them in order to resolve conflict.)
2. Students may want to consult with a college official to clarify any questions concerning this process.
3. If the student feels this informal meeting did not resolve the issue or he/she is unwilling to deal with the issue at this level of informality, then the student should use the process described.
4. The student should file a written statement describing the situation and evidence supporting the complaint to the appropriate supervising dean, associate dean or department chair (from here on referred to as the supervising dean) of the college staff member or student who allegedly violated his/her rights. In student to student complaints the supervising dean is the Dean of Student Affairs or a designee.
5. The college employee or student will be notified by the supervising dean that the student has filed a complaint against him/her in writing.
6. The employee or student who has been accused will submit a written response to the charge.
7. The appropriate supervising dean and the immediate supervisor of the employee, if applicable, will review documents submitted by the two parties.
8. The supervising dean and immediate supervisor will meet with the student and/or employee accused of inappropriate behavior to resolve the complaint. The student may choose someone from the college community to attend this meeting with him or her.
9. The supervising dean notifies the student of any resolution of the complaint in writing.
10. If the student, upon receiving the supervising dean's response feels the complaint has not been satisfactorily resolved, then the student may appeal to the next appropriate campus or district supervisory level. This process should be completed in ten (10) days or less.
11. The Provost or designee may convene an impartial panel which recommends a resolution to the issue. (For directions in convening an impartial panel, see section on Student Conduct Review Committee in Code of Conduct or Scholastic Ethics Hearing Committee in Scholastic Code.) Where the complaint is against a district office, the appropriate district administrator may convene the panel.

B. Appeal Procedure

1. If the student is not satisfied with the result obtained through the above procedure, he/she may submit a complaint to the Office of the Chancellor requesting that the matter be reviewed. The Chancellor's decision will be reported in writing to all parties.

C. Final Appeal

1. If the student is not satisfied with the result obtained from the Chancellor, a written appeal may be presented to the board of governors through the Chancellor's office. Should no action or notification take place within thirty (30) days, the decision of the Chancellor is final.

D. Complaint Resolution

Students using this procedure should note that no penalties can be levied against Pima Community College employees that are not in keeping with the governing board approved policy statements of that employee group.

1. General Information

- a. Recourse through the court system is always open to the student
- b. Students using this procedure should note that every effort will be made to protect confidentiality
- c. Retaliation while using this procedure can be cause for a second complaint

E. Due Process Guidelines

Due Process Guidelines are explained in the Pima Community College Student Codes and Procedures. Copies are available in the college libraries and the office of the Dean of Student Affairs and Dean of Instruction at each campus center.